
1 4.7 GEOLOGY, SOILS, AND SEISMICITY

2 This section evaluates the potential impacts of the Project for geology, soils, and seismicity.

3 4.7.1 Environmental Setting

4 4.7.1.1 Regional Geology

5 The majority of San Diego County lies within the Peninsular Ranges province bounded by
6 the coastal province to the west and the Salton Trough province to the east. The western
7 edge of the Peninsular Ranges province corresponds with the eastern hills and mountains
8 along the edges of the communities of Lakeside, Poway, and El Cajon. The province ends to
9 the east of Julian and Jacumba along a series of faults. The Peninsular Ranges province
10 continues to the north into the Los Angeles basin area, and comprises the peninsula of Baja
11 California to the south.

12 The uplifting of the Peninsular Ranges province created a series of large faults. These faults
13 include the Elsinore Fault and San Jacinto Fault, which developed along the edge of the
14 province. In the eastern portion of the Peninsular Ranges province, the province “dropped”
15 down and created the Salton Trough-Gulf of California depression. Since the Salton Trough
16 province is lower than the surrounding landscape, drainages of the Peninsular Ranges
17 carried sediment deposits to the area. Marine waters from the Gulf of California
18 occasionally inundated the Salton Trough, carrying marine deposits to the sediment.

19 The City lies within the coastal plain province that extends from the western edge of the
20 Peninsular Ranges and generally parallels the coastline. The province is composed of
21 dissected, mesa-like terraces that become rolling hills further inland. The terrain overlies
22 sedimentary rocks composed mainly of sandstone, shale, and conglomerate beds caused by
23 erosion of the Peninsular Ranges to the east.

24 4.7.1.2 Local Geology

25 Downtown San Diego overlies predominantly the late Pleistocene Bay Point Formation. This
26 Formation is largely composed of marine and non-marine, poorly consolidated fine to
27 medium-grained, pale brown, fossiliferous sandstone. The Bay Point Formation overlies the
28 Pliocene San Diego Formation at varying depths in downtown San Diego. The San Diego
29 Formation is not exposed within the area of the Project site; however, it is evident in
30 exposed areas along Interstate 5. Along the shoreline in the downtown area, Holocene beach
31 and estuarine deposits overlie the Pleistocene sediments of the Bay Point Formation and are

1 typically fine-grained and consist of interlayered fine sand, silt, and clay. Law/Crandall¹
2 reported that the Holocene age sediments are obscured by artificial fill placed along the
3 shoreline and inland areas to allow for site development.

4 Law/Crandall evaluated the existing County Courthouse and Old Jail site in 2000 to identify
5 existing conditions and potential geologic hazards. Geology at this site is similar to the
6 proposed new courthouse site. The Bay Point Formation consisted of clayey and silty
7 sandstone. The San Diego Formation consisted of poorly cemented sandstone with local
8 gravel beds. Older alluvium, consisting of fine sand and silt and younger alluvial soils,
9 consisting of loose, well-sorted sand and clayey sand beds, were also present over the Bay
10 Point Formation.

11 The proposed courthouse site and the vicinity have relatively flat topography. The
12 Law/Crandall evaluation found artificial fill in several borings with of mixtures of sand, silt,
13 and clay that included debris such as nails and brick fragments. Analysts' review of the U.S.
14 Department of Agriculture's Soil Survey, San Diego Area did not identify onsite soils that
15 have a high shrink-swell behavior. All soils mapped onsite have a low to moderate shrink-
16 swell behavior. Therefore, onsite soil conditions are considered to be stable and do not pose
17 adverse potential for development.

18 Potential ground failure problems include liquefaction, which is a phenomenon that occurs
19 when strong ground motion induced by earthquakes causes loose, saturated coarse-grained
20 soils (with less than 50% passing the No. 200 sieve) to lose their strength and acquire some
21 mobility. The secondary effects of liquefaction include sand boils, soil settlement, reduced
22 soil shear strength, and lateral spreading due to liquefaction (flow slides) in areas with
23 sloping ground. As stated previously, the Bay Point Formation, a sedimentary deposit of
24 Pleistocene-age, underlies the site. Since the Bay Point Formation is geologically older
25 consolidated sediment, the potential for liquefaction and its secondary effects at the site is
26 probably very low

27 4.7.1.3 Paleontological Resources

28 As discussed in the General Plan Final EIR, "Paleontological resources (fossils) are the
29 remains and/or traces of prehistoric plant and animal life exclusive of human remains or
30 artifacts. Fossil remains such as bones, teeth, shells, and wood are found in the geologic
31 deposits (rock formations) in which they were originally buried. Paleontological resources
32 represent a limited, non-renewable, sensitive scientific and educational resource. The
33 potential for fossil remains at a location can be predicted through previous correlations that
34 have been established between the fossil occurrence and the geologic formations within

¹ Report of Fault Surface Rupture Investigation. San Diego County Property Between Broadway and "A" Street and Union Street and Front Street. Law/Crandall. September 22, 2000.

1 which they are buried. For this reason, knowledge of the geology of a particular area and
2 the paleontological resource sensitivity of particular rock formations, make it possible to
3 predict where fossils will or will not be encountered.”² Paleontological resources include
4 fossil remains, fossil sites, fossil-producing geologic formations, and geologic formations
5 that have the potential for containing fossil remains or other paleontological resources.
6 Important fossil remains are considered to be: 1) well preserved; 2) identifiable; 3)
7 type/topotypic specimens; 4) age diagnostic; 5) useful in environmental reconstruction;
8 and/or, 6) represent new, rare, and/or endemic taxa.

9 San Diego County has various distinct geologic rock formations that provide a physical
10 record of the past 450 million years of history in the area; however, only the past 75 million
11 years are well-documented. The General Plan Final EIR concludes that there is a high
12 potential for paleontological resources to occur in the downtown area due to the underlying
13 Bay Point and San Diego Formations.

14 Brian F. Smith & Associates prepared a site-specific *Paleontological Resource and Monitoring*
15 *Assessment*, dated May 6, 2010, to evaluate potential impacts to paleontological resources
16 and identify appropriate paleontological monitoring requirements. This document is
17 included as *Appendix D* to this EIR. The assessment confirms that the majority of the
18 downtown area overlies the upper Quaternary (upper Pleistocene) Bay Point Formation.
19 The assessment gives the Bay Point Formation a high Paleontological Resource
20 Sensitivity/Resource Potential ranking. The assessment’s paleontological literature and
21 collections and records review did not reveal any recorded fossil localities on the Project
22 site; however, many such resources were not recorded prior to the redevelopment activities
23 in downtown that largely began in the 1980’s and continued in the 1990’s and 2000’s.
24 Records since the 1980’s document more than 75 fossil localities or fossil collections in the
25 downtown area, which indicates the high potential for resources. In the vicinity of the
26 Project site, the Bay Point Formation and sedimentary units have yielded rich marine
27 invertebrate faunas in addition to rare marine and terrestrial vertebrates.

28 4.7.1.4 Seismic Activity

29 Southern California represents one of the most seismically active regions in the United
30 States. The region has a long history of the occurrence of destructive earthquakes and many
31 active faults exist today. The City is approximately 100 miles to the west of the San Andreas
32 Fault, which is the major active earthquake hazard in California. The City is also near a
33 number of large active faults that are capable of producing intense ground shaking events.
34 Local faults include the Elsinore, San Jacinto, Coronado Bank, San Diego Trough, San
35 Clemente, and La Nación Faults. Downtown San Diego overlies the active Rose Canyon

² City of San Diego General Plan Final EIR. Certified September 2007.

1 Fault, while the majority of communities within the City of San Diego overlie numerous
2 smaller faults, which all represent a potential seismic risk to the City; refer to *Figure 4.7-1:*
3 *Fault Map* The Coronado Bank, Rose Canyon, and La Nación Faults are sufficiently long to
4 produce earthquakes of significant magnitude, which are estimated at 6.5, 6.75, and 7.0
5 magnitude on the Richter Scale, respectively.³ The Rose Canyon Fault is the nearest active
6 fault to the site, located approximately 0.5 mile away.

7 The Rose Canyon Fault Zone and other related faults traverse the downtown San Diego area
8 in a generally north to north-northwest direction and continues across San Diego Bay to the
9 Silver Strand. Portions of this fault zone are exposed, particularly in areas of Mount
10 Soledad, Old Town, and downtown south of Broadway between 14th and 15th Streets. The
11 fault is active.

12 Although the entire San Diego Region is located within a seismically-active zone, the Project
13 site is not located within a mapped hazard zone as identified by the Alquist-Priolo
14 Earthquake Fault Zoning Act, Special Publication 42, Fault-Rupture Hazards Zones of
15 California (1994). No active or potentially active faults are known to occur beneath the
16 proposed site for the new courthouse.

17 An identified fault traverses the existing County Courthouse and Old Jail; refer to *Figure*
18 *4.7-1: Fault Map*. Law/Crandall's investigation suggested that the San Diego Fault runs
19 through the northern and central portions of the existing County Courthouse/Old Jail site.
20 Several offsite exposed fault locations indicate that the Fault is active or potentially active.
21 The investigation determined that the San Diego Fault is active in the area of Market Street
22 and First Avenue, approximately 1,500 feet to the southeast of the County Courthouse/Old
23 Jail site.⁴

24 LAW/Crandall's study determined that the geologic structure at the existing courthouse/Old
25 Jail site was complex with possible splaying of the San Diego Fault as it trends through the
26 area of the County Courthouse/Old Jail site. The study determined that the San Diego Fault
27 may splay though the B Street Transect to trend to a fault beneath Front Street and
28 northwest to Union Street. A conjugate fault subparallel to B Street may connect the two
29 faults. The study recommended additional site-specific investigation and exposure of the
30 interpreted faults to confirm their existence, location, and history of activity. It also
31 recommended that if any party plans new any new structures for the site, the design for the
32 structures shall provide a building setback of 25 to 50 feet from the potential rupture zone.

33 In addition, BFL-Owen & Associates prepared a Phase-II Structural Seismic Assessment of
34 the Central Courthouse Complex in July 2006 to assess the block site of the existing County

³ City of San Diego General Plan Final EIR. Certified September 2007.

⁴ Report of Fault Surface Rupture Investigation. San Diego County Property Between Broadway and "A" Street and Union Street and Front Street. Law/Crandall. September 22, 2000.

1 Courthouse and Old Jail⁵ per Senate Bill 1732 requirements. The structural evaluation found
2 the buildings to be non-conforming and deficient. The study evaluated the potential risks of
3 the underlying fault and made recommendations for potential upgrades to the structures to
4 reduce the risk of adverse effects from seismic events. The study concluded that no
5 technological viable option exists to eliminate the deficiency for the northern portion of the
6 County Courthouse structure that is north of B Street. Analysts recommended further
7 studies to evaluate an appropriate setback distance from the fault. However, the currently
8 proposed courthouse site is west of the existing courthouse/Old Jail site, and the new
9 courthouse will be more than 50 feet from the potential rupture zone identified by
10 LAW/Crandall.

11 BFL-Owen & Associates concluded that no financially viable option is available for
12 elimination of the surface rupture-related deficiencies in the southern portion of the County
13 Courthouse structure that is south of B Street. If a potential project planned to separate the
14 County Courthouse's northern structure and southern structures, the southern building will
15 require a seismic retrofit; however, only a portion of the southern structure that is located
16 safely beyond the potential fault zone can be retrofitted to meet Senate Bill 1732's seismic
17 safety requirements. The northern building may be maintained in its present condition;
18 however, the study states that it cannot be used for court-related services due to the inability
19 to bring the building into conformance with Senate Bill 1732's seismic safety requirements.

20 4.7.2 Analytical Framework

21 4.7.2.1 Analytical Methodology

22 Analysts obtained information for geology, soils, seismicity, and paleontological resources
23 to support the EIR analysis from the following documents:

- 24 ▪ Report of Fault Surface Rupture Investigation County of San Diego Property
25 Between Broadway and "A" Street and Union Street and Front Street;⁶
- 26 ▪ Phase-II Structural Seismic Assessment of Central Courthouse Complex;⁷
- 27 ▪ Paleontological Review and Resource and Monitoring Assessment, Brian F. Smith
28 and Associates, Inc. (May 6, 2010); *refer to Appendix D*;
- 29 ▪ The General Plan (Adopted March 2008);
- 30 ▪ Seismic Safety Study, Geologic Hazards and Faults (2008);⁸ and,

⁵ Phase II Structural Seismic Assessment of Central Courthouse Complex. Prepared by BFL-Owen & Associates for the County of San Diego. July 2006.

⁶ Law Crandall, September 2000.

⁷ BFL-Owen & Associates, July 2006.

- 1 ▪ The General Plan Final EIR (Certified September 2007).

2 4.7.2.2 Regulatory Background

3 4.7.2.3 City of San Diego

4 Title 24 of the California Building Code provides design standards for buildings to reduce
5 the potential for structural damage to occur as the result of a seismic event. The City refers
6 to the California Building Code for engineering design review.

7 The City's Development Services Department updated its Seismic Safety Study, Geologic
8 Hazards and Faults in 2008. The Seismic Safety Study provides information to determine the
9 geologic conditions that underlie potential development sites. The study includes map
10 locations of suspected or known faults and other geologic hazards within the City. Mapped
11 hazards include ground rupture, potential slope instability, potential ground failure, coastal
12 bluff stability, and other conditions. It rates relative risks of hazards and specifies
13 geotechnical study requirements. The City uses the information for geotechnical reviews of
14 plans, development proposals, and building permits.

15 In addition, the City's Municipal Code and the General Plan's Public Facilities, Services, and
16 Safety Element also provide general guidance for development with regard for geologic and
17 seismic issues. As identified in the Public Facilities, Services, and Safety Element, the Project
18 site lies within an area designated as Moderate to High risk with regard to geotechnical
19 issues and relative risk; refer also to *Figure 4.7-1: Fault Map*.

20 The City updated the Seismic Safety Study in 2008.⁸ The Seismic Safety Study delineates
21 the seismic fault and liquefaction zones within the City. In the downtown area, the Seismic
22 Safety Study delineates the Downtown Special Fault Zone, shown in Figure 4.7-1. The City
23 requires new development within the Downtown Special Fault zone, which includes the
24 Project site, to prepare project-specific fault investigations. These fault investigations include
25 site-specific geotechnical investigations of potential fault hazards and setbacks from active
26 faults to ensure that new buildings are designed to withstand the seismic conditions of the
27 property. The City also requires as-built geotechnical reports to document subsurface
28 geologic conditions encountered in excavations.

⁸ Located at: <http://www.sandiego.gov/development-services/hazards/pdf/seismicstudy.pdf>

1 4.7.3 Standards of Significance

2 For purposes of evaluating impacts in this EIR, the AOC considers an impact to be
3 significant if the Project will:

- 4 ▪ Expose people or structures to substantial potential adverse effects involving rupture
5 of a known earthquake fault;
- 6 ▪ Expose people or structures to substantial potential adverse effects involving strong
7 seismic ground shaking;
- 8 ▪ Expose people or structures to substantial potential adverse effects involving ground
9 failure (including subsidence or liquefaction- induced lateral spreading);
- 10 ▪ Expose people or structures to substantial potential adverse effects involving
11 expansive soil;
- 12 ▪ Destroy a unique paleontological resource or site;
- 13 ▪ Expose people or structures to substantial potential adverse effects involving
14 landslides;
- 15 ▪ Expose people or structures to substantial potential adverse effects involving soil
16 erosion or the loss of topsoil; or,
- 17 ▪ Destroy a unique geological feature.

18 4.7.4 Potential Impacts and Mitigation Measures

19 4.7.4.1 Rupture of a Known Earthquake Fault

20 **Potential Impact:** (GEO-1) Will the Project expose people or structures to substantial
21 potential adverse effects including the risk of loss, injury, or death involving
22 rupture of a known earthquake fault?

23 **Less than Significant Impact.**

24 The proposed courthouse site is not in a hazard zone identified by the Alquist-Priolo
25 Earthquake Fault Zoning Act, Special Publication 42, Revised 1994, Fault Rupture Hazards
26 Zones in California. Based on the Law/Crandall preliminary geotechnical investigation, the
27 proposed courthouse site does not exhibit geologic features that the AOC anticipates will
28 result in fault rupture. In addition, the design and construction of the proposed new
29 courthouse will be in accordance with the applicable California Building Code and other
30 standards. The AOC will also prepare an as-built geotechnical report to document geologic
31 conditions encountered during excavation and grading of the courthouse site, which will

1 confirm the adequacy of foundation design assumptions for the new courthouse. If
2 necessary, these investigations will allow the AOC's incorporation of structural engineering
3 measures into the design and construction of the courthouse to minimize the potential for
4 fault rupture-related damage. Therefore, the AOC concludes that the courthouse's fault
5 rupture-related impacts will be less than significant.

6 The proposed tunnel may be underlain by possible splays of the San Diego Fault as
7 identified by LAW/Crandall. The AOC will perform additional fault rupture investigations
8 to provide estimates of potential fault displacement at tunnel-fault crossing locations. Based
9 on these investigations, the AOC will incorporate structural engineering measures into the
10 design and construction of the tunnel to provide life-safety measures and features that will
11 minimize the potential for damage due to fault rupture. In addition, the design and
12 construction of the tunnel will be in accordance with the applicable California Building
13 Code and other standards. In addition, the Sheriff Department will use the tunnel only
14 intermittently for the transfer of prisoners, and the AOC does not consider the tunnel to be a
15 habitable structure. Due to the intermittent use of the tunnel and the safety-related design
16 measures, the AOC concludes that the tunnel's fault rupture-related impacts will be less
17 than significant.

18 As noted above, the San Diego Fault runs through the northern and central portions of the
19 existing County Courthouse/Old Jail site. Closure and demolition of the County Courthouse
20 and Old Jail will eliminate fault-related risks for these existing facilities. Impacts from
21 demolition will be less than significant.

22 Mitigation Measures: None required.

23 4.7.4.2 Strong Seismic Ground Shaking

24 **Potential Impact:** (GEO-2) Will the Project expose people or structures to substantial
25 potential adverse effects, including the risk of loss, injury, or death involving
26 strong seismic ground shaking?

27 **Less than Significant Impact.**

28 Based on a preliminary geotechnical investigation,⁹ the proposed courthouse site does not
29 exhibit geologic features that are anticipated to result in strong seismic ground shaking.
30 However, the site lies in the seismically active Southern California region, and a number of
31 active faults are near and within the downtown area. Therefore, the site has a moderate to
32 strong potential for strong seismic shaking.

⁹ Law/Crandall 1991.

1 The AOC will prepare a site-specific geotechnical investigation during the Project design
2 process and incorporate the investigation's recommendations into the building design to
3 ensure compliance with the California Building Code and avoid adverse potential effects
4 resulting from seismic ground shaking. The AOC will also prepare an as-built geotechnical
5 report to document geologic conditions encountered during excavation and grading of the
6 courthouse site and the tunnel alignment, which will confirm the adequacy of design
7 assumptions for the new courthouse and tunnel. Impacts will therefore be less than
8 significant.

9 Demolition of the County Courthouse and Old Jail will eliminate ground shaking-related
10 risks for these existing facilities. Therefore, impacts of the demolition activities will be less
11 than significant.

12 Mitigation Measures: None required.

13 4.7.4.3 Ground Failure

14 **Potential Impact:** (GEO-3) Will the Project expose people or structures to substantial
15 potential adverse effects, including the risk of loss, injury, or death involving
16 ground failure (including subsidence or liquefaction-induced lateral
17 spreading)?

18 **Less than Significant Impact.**

19 The proposed courthouse site and the vicinity have relatively flat topography, and the
20 courthouse design will include an extensively excavated and adequately supported
21 foundation. Although liquefaction may have the potential to occur with a major earthquake
22 event (6.0 or greater), major regional faults are located at a distance from the Project site and
23 the potential for strong seismic ground shaking is considered low to moderate.¹⁰

24 In addition, the AOC will prepare a site-specific geotechnical investigation during the
25 Project design process and incorporate the investigation's recommendations into the
26 building design to ensure compliance with the California Building Code and avoid adverse
27 potential seismic ground motion-related ground failure effects. Seismic ground motion-
28 related ground failure impacts will therefore be less than significant.

29 Excavations for project facilities might potentially cause unstable earth conditions that can
30 result in ground failure or settlement, which might damage other structures. The potential
31 for a subsidence over the tunnel excavation and its influence on buildings in the settlement
32 zone is an important concern for any tunnel project. The construction contractor will use
33 temporary shoring to support excavation operations for the courthouse and the tunnel

¹⁰ Phase I Environmental Site Assessment. Prepared by ERM. August 2007.

1 between the new courthouse and Central Jail. The construction contractor will also
2 implement a program to monitor deformation of the shoring and the ground surrounding
3 the excavations for possible subsidence. The AOC concludes that these measures will
4 mitigate the risk of distress to existing infrastructure from potential horizontal or vertical
5 movement of the ground surrounding the proposed excavations. Excavation-related
6 ground failure impacts will therefore be less than significant.

7 Demolition of the County Courthouse and Old Jail will not add soil fill that might enhance
8 ground failure-related risks at these existing facilities. Therefore, impacts of the demolition
9 activities will be less than significant.

10 Mitigation Measures: None required.

11 4.7.4.4 Expansive Soils

12 **Potential Impact:** (GEO-4) Will the Project expose people or structures to substantial
13 potential adverse effects, including the risk of loss, injury, or death involving
14 expansive soils?

15 **Less than Significant Impact.**

16 The Project includes extensive excavation of the proposed courthouse site to construct an
17 adequate foundation. The AOC will prepare a site-specific geotechnical investigation during
18 the Project design process and incorporate the investigation's recommendations into the
19 building design to ensure compliance with the California Building Code and avoid adverse
20 potential expansive soils. If construction personnel encounter expansive soils at the site,
21 construction personnel will either remove these soils or treat the soils to meet design
22 requirements. Impacts will therefore be less than significant.

23 Demolition of the County Courthouse and Old Jail will not add soil fill that might produce
24 expansive soil-related risks at the site of these existing facilities. Therefore, impacts of the
25 demolition activities will be less than significant.

26 Mitigation Measures: None required.

27 4.7.4.5 Unique Paleontological Resource

28 **Potential Impact:** (GEO-5) Will the Project destroy a unique paleontological resource or
29 site?

30 **Less than Significant Impact with Mitigation Incorporated.**

31 Impacts to paleontological resources occur when excavation activities disturb fossiliferous
32 geological deposits and destroy fossil remains. Grading or excavation activities may
33 uncover buried paleontological resources. Downtown San Diego has underlying

1 interbedded deposits of the Bay Point and the San Diego Formations. As noted in the
2 General Plan Final Environmental Impact Report, the Bay Point Formation is a near shore
3 marine sedimentary deposit that is about 220,000 years old. The formation has a high
4 sensitivity rating for paleontological resources and has produced a diverse amount of well-
5 preserved marine invertebrate and vertebrate fossils to date. The San Diego Formation has
6 high-resource sensitivity and is a marine sedimentary deposit with rich fossil beds that have
7 produced diverse assemblages of marine organisms. On occasion, rare remains of terrestrial
8 mammals, fossil wood, and leaves have been discovered. According to the General Plan
9 Final Environmental Impact Report, for those formations with a high sensitivity rating, a
10 significant impact may occur if grading exceeds 1,000 cubic yards and is ten or more feet
11 deep (the volume count starts at the surface).¹¹

12 Since excavation and construction of the new courthouse and demolition of the existing
13 County Courthouse and Old Jail may potentially disturb the ground surface and expose or
14 damage important paleontological resources, the AOC concludes that Project impacts are
15 potentially significant. The AOC will adopt the following mitigation measures to reduce
16 impacts to potential paleontological resources during Project-related excavation, tunneling,
17 or trenching activities.

18 Mitigation Measures:

19 (GEO-1)

20 The AOC will require its developer to retain a qualified paleontologist who shall
21 inform all construction excavation operations personnel of the Project's
22 paleontological resource mitigation measures prior to any earth-disturbing activities
23 and provide instruction to recognize paleontological artifacts, features, or deposits.
24 Personnel working on the Project will not collect paleontological resources. The
25 qualified paleontologist will be present for pre-construction meetings and any
26 Project-related excavations in undisturbed marine sediments of the upper
27 Pleistocene Bay Point Formation and/or middle Pleistocene "upper Broadway" and
28 "lower Broadway" formations, as well as where over-excavation of any thin veneer
29 of younger alluvial sediments with Pleistocene marine sediments in the subsurface.
30 Monitoring may be reduced if the potentially fossiliferous units are not present in
31 the subsurface, or if present, are determined upon exposure and examination by
32 qualified paleontological personnel to have low potential to contain or yield fossil
33 resources.

34. Prior to construction, the qualified paleontologist shall submit a paleontological
35 resources management plan to the AOC that outlines the procedures that the AOC

¹¹ City of San Diego General Plan Final EIR. Certified September 2007.

1 and construction personnel will follow if personnel discover paleontological
2 resources during excavation operations. Monitoring of excavation and trenching
3 activities shall occur in areas that the qualified paleontologist or paleontological
4 monitor determines are likely to yield paleontological resources.

53. If construction operations personnel discover buried paleontological resources
6 during ground-disturbing activities, excavation workers shall stop operations in that
7 area and within 100 feet of the find until the consulting paleontologist can assess the
8 significance of the find. The paleontologist will evaluate the discovery, determine its
9 significance, and provide proper management recommendations. Management
10 actions may include scientific analysis and professional museum curation.

11 The qualified paleontologist shall summarize the resources in a report prepared to
12 current professional standards.

13 4.7.4.6 Landslides

14 **Potential Impact:** (GEO-6) Will the Project expose people or structures to substantial
15 potential adverse effects, including the risk of loss, injury, or death involving
16 landslides?

17 **Less than Significant Impact.**

18 The Project site is relatively flat. No significant slopes are located on surrounding properties,
19 as adjacent areas are urban in nature and largely support mid-to high-rise structures or
20 surface parking. Due to these conditions, the potential for the occurrence of landslides is
21 very low. Impacts will be less than significant.

22 Mitigation Measures: None required.

23 4.7.4.7 Soil Erosion/Loss of Top Soil

24 **Potential Impact:** (GEO-7) Will the Project result in substantial soil erosion or the loss of
25 topsoil?

26 **Less than Significant Impact.**

27 The Project site is flat and presently has a surface parking lot and three small-scale
28 structures that house office, restaurant, and bail bond uses. Removal of these features with
29 Project construction may result in temporary exposure of underlying soils; however, the
30 AOC will comply with State and local regulations relative to control of storm water runoff
31 and soil erosion. Since adjacent streets are paved and parcels have only minor areas without
32 structures, the Project will not substantially change drainage patterns or creates steep slopes
33 subject to increased runoff. Impacts will be less than significant.

1 Mitigation Measures: None required.

2 4.7.4.8 Unique Geologic Features

3 **Potential Impact:** (GEO-8) Will the Project result in potentially significant adverse effect
4 to unique geologic features?

5 **No Impact.**

6 Based on a preliminary geological investigation,¹² the Project site does not have known
7 unique geologic features. As no such features are present onsite, the Project will not result in
8 adverse impacts. No impacts will occur with the proposed Project.

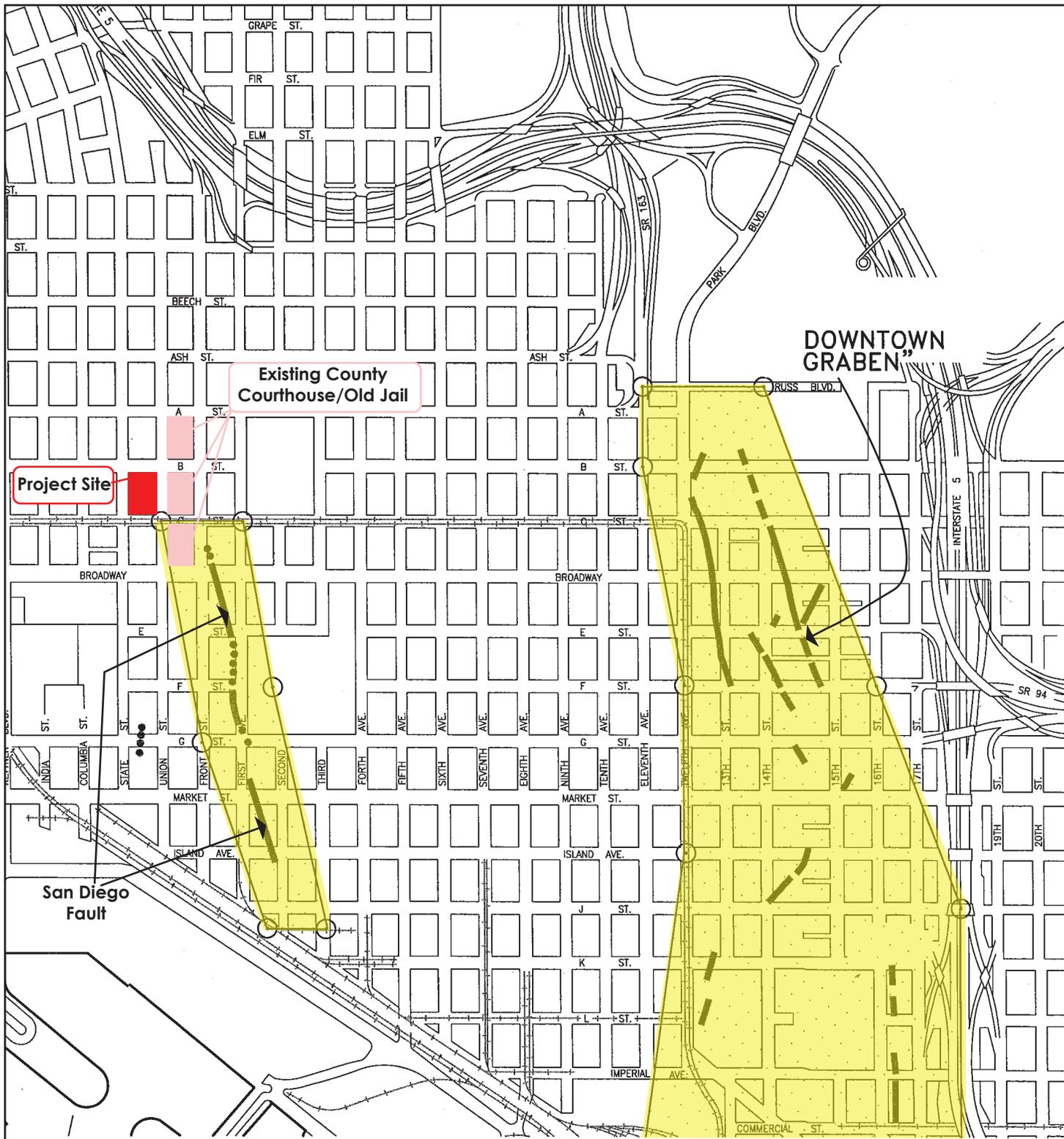
9 Mitigation Measures: None required.

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¹² Leroy Crandall 1991.

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FAULTS MODIFIED FROM CDMG MAPSHEET 40, KENNEDY AND WELDAY, 1980, TREIMAN, AND WCC, 1994, CDMG OFR 97-10A, 1999.



LEGEND

-  KNOWN ACTIVE FAULT
-  EARTHQUAKE FAULT ZONE

500 0 500 1000 Feet
SCALE: 1" = 1000'



SOURCE: URS, 8-2-04
SDMac: 25104231figure(let-port).indd

NEW SAN DIEGO
CENTRAL COURTHOUSE

FAULT MAP

Figure 4.7-1

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1 4.8 HAZARDS AND HAZARDOUS MATERIALS

2 This section evaluates the potential impacts of the Project in terms of hazards and hazardous
3 materials.

4 4.8.1 Environmental Setting

5 4.8.1.1 Hazards

6 The Project site is approximately 1.0 mile southeast of the San Diego International Airport.
7 The Project site is in an area of downtown San Diego that is near the approach zone to San
8 Diego International Airport. The Project site is within the City of San Diego's Airport
9 Approach Overlay Zone which provides supplemental regulations for the property
10 surrounding the approach path for San Diego International Airport. The flight path
11 generally stretches in an east-west direction, with planes approaching the landing strip from
12 the east, across the downtown area. The proposed courthouse site is located to the south of
13 the flight path. In addition, the proposed courthouse site is an area that is surrounded by
14 high rise development and other large-scale buildings. In particular, a number of high-rise
15 buildings occur along the west side of State Street between Broadway and A Street,
16 including the Emerald Plaza; refer to *Figures 4.2-2A to 4.2-2C*. The Project is subject to
17 regulations pertaining to height restrictions for structures within the Airport Approach
18 Overlay Zone and as implemented by the FAA, as applicable.

19 4.8.1.2 Hazardous Materials

20 The Project site is flat, and a paved parking lot covers most of the surface. There are three
21 attached buildings located in the northeast corner of the site. The onsite elevation is
22 approximately 47 feet above mean sea level. Groundwater flow in the Project vicinity is to
23 the southwest. The approximate depth to groundwater in the vicinity of the site is between
24 22 to 29 feet. The existing uses (i.e., parking lot, office buildings) onsite are not uses that are
25 typically associated with operations that would generate hazardous waste. The Project site
26 does not support any native vegetation, and there are no wetland areas or drainages on or
27 adjacent to the property.

28 Agencies have prepared a series of Phase I Environmental Site Assessments for the Project
29 site over the past 10 years as part of the due diligence efforts to develop the property for use
30 as a courthouse. Previous investigations have identified multiple monitoring wells onsite in

1 the area of the existing paved parking lot. In the year 2000, monitoring wells were installed
2 onsite to evaluate a suspected underground storage tank under the parking lot.

3 4.8.2 Analytical Framework

4 4.8.2.1 Analytical Methodology

5 To identify potential Project impacts for hazards and hazardous materials, analysts
6 conducted a document search and site reconnaissance to assess existing environmental
7 conditions onsite and in the surrounding areas. Analysts reviewed the following
8 documentation as part of the site assessment and EIR analysis:

- 9 ▪ Phase I Environmental Site Assessment (Prepared by ERM, August 2007) (refer to
10 Appendix F of this EIR);
- 11 ▪ Summary of Findings – Limited Subsurface Investigation (Prepared by ERM,
12 January 2008) (refer to Appendix F of this EIR);
- 13 ▪ Report of Phase I and Limited Phase II Environmental Site Assessments (Prepared
14 by Law/Crandall, July 2000) (refer to Appendix F of this EIR);
- 15 ▪ Hazardous Materials Screening (Prepared by SCS Engineers, November 2009) (refer
16 to Appendix F of this EIR);
- 17 ▪ City of San Diego Municipal Code (Sections 132.0201 to 132.0209, Airport Approach
18 Overlay Zone);
- 19 ▪ City of San Diego General Plan (March 2008);
- 20 ▪ City of San Diego General Plan Final EIR (Certified September 2007); and,
- 21 ▪ Review of the Project for compliance with applicable Federal, State, and local
22 requirements relative to hazards and hazardous materials.

23 4.8.2.2 Regulatory Background

24 *Hazards*

25 The City of San Diego's *Airport Environs Overlay Zone* provides supplemental regulations for
26 properties within proximity to Brown Field, Montgomery Field, San Diego International
27 Airport at Lindbergh Field, and Marine Corps Air Station Miramar. The intent of these
28 regulations is to ensure that:

- 1 ▪ Projects comply with the Federal Aviation Administration and California
2 Department of Transportation (Caltrans) airspace protection regulations;
- 3 ▪ The San Diego County Regional Airport Authority (Airport Authority) is provided
4 the opportunity to participate in the evaluation process; and,
- 5 ▪ Projects provide minimum vertical buffers between the Federal Aviation
6 Administration-established airspace protection surfaces and proposed structures
7 constructed within the approach path.

8 Although the intent of these regulations is to ensure that land uses are compatible with the
9 operation of airports by implementing the Airport Land Use Compatibility Plans, the
10 *Airport Environs Overlay Zone* boundaries cover less land area than the boundaries of the
11 airport influence areas used by the Airport Land Use Compatibility Plans.

12 The Federal Aviation Administration has established criteria for the review of proposed
13 structures within the vicinity of an airport. If a proposed structure will rise above a line
14 extending from the centerline of an airport runway longer than 3,200 feet at a slope of 100
15 feet horizontal to one foot vertical, to the project proponent must file a Notice of Proposed
16 Construction or Alteration with the Federal Aviation Administration.

17 *Hazardous Materials*

18 Activities and operations that use, manage, or store hazardous or potentially hazardous
19 materials have the potential to create a hazardous situation if the materials are released into
20 the environment. The frequency and severity of hazardous situations are dependent on
21 several conditions, including type of substance, quantity used or managed, nature of the
22 activity, and the operation. Federal, State, and local entities regulate the use and
23 management of hazardous or potentially hazardous substances.

24 The U.S. Environmental Protection Agency and the California Department of Toxic
25 Substance Control ("Toxic Substance Control") have developed and frequently update lists
26 of hazardous wastes subject to regulation. State and Federal agencies are responsible for the
27 regulation of hazardous wastes.

28 The term "hazardous material" refers to both hazardous substances and hazardous waste. A
29 material is defined as "hazardous" if it appears on a list of hazardous materials prepared by
30 a Federal, State, or local regulatory agency, or if it has characteristics defined as hazardous
31 by such an agency. A "hazardous waste" is a solid waste that exhibits toxic or hazardous
32 characteristics, specifically ignitability, corrosivity, reactivity, or toxicity. The U.S. EPA has
33 defined the term "solid waste" to include many types of discarded materials, including any
34 gaseous, liquid, semiliquid, or solid material that is discarded or has served its intended

1 purpose, unless the material is specifically excluded from regulation. Such materials are
2 considered waste whether they are discarded, reused, recycled, or reclaimed.

3 The term “recognized environmental condition” is the presence or likely presence of any
4 hazardous substance or petroleum product on a property under conditions that indicate an
5 existing release, a past release, or a material threat of a release of any hazardous or non-
6 hazardous substances that are designated wastes or petroleum products into structures on
7 the property or into the ground, groundwater, or surface water of the property.
8 Furthermore, the term includes hazardous substances or petroleum products, even under
9 conditions in compliance with rules, regulations, and/or law.

10 *Federal*

11 On December 11, 1980, the U.S. Congress enacted the Comprehensive Environmental
12 Response, Compensation, and Liability Act (“CERCLA”), commonly referred to as
13 Superfund. CERCLA created a tax on the chemical and petroleum industries, while
14 providing Federal authority to respond directly to releases or threatened releases of
15 hazardous substances that may endanger public health or the environment.¹

16 CERCLA requires the listing of hazardous substances in the Comprehensive Environmental
17 Response, Compensation, and Liability Information System database. The database includes
18 known or suspected uncontrolled or abandoned hazardous waste sites. Sites listed in the
19 database have been previously investigated or are under investigation by the U.S. EPA.

20 CERCLA authorizes: 1) short-term removals, where actions may be taken to address
21 releases or threatened releases requiring prompt response; and, 2) long-term remedial
22 response actions, that permanently and significantly reduce the dangers associated with
23 releases or threats of releases of hazardous substances that are serious, but not immediately
24 life threatening. These actions occur only at sites listed on the U.S. EPA's National Priorities
25 List.

26 In addition, the Resource Conservation and Recovery Act requires the listing of identified
27 hazardous waste sites in the Resource Conservation and Recovery Information System
28 database. This database includes small quantity generators, generating between 100 and
29 1,000 kilograms of hazardous waste on a monthly basis, and large quantity generators,
30 generating more than 1,000 kilograms per month.

¹ U.S. Environmental Protection Agency. <http://www.epa.gov/superfund/policy/cercla.htm>. Accessed May 2010.

1 *State*

2 The Hazardous Materials Release Response Plans and Inventory Act, also known as the
3 California Business Plan Act, codified in Health and Safety Code Sections 25500 - 25546.5,
4 requires the listing of facilities that are subject to this law. The Act requires that each non-
5 exempt facility prepare a hazardous materials business plan that describes the facility,
6 provides an inventory of hazardous materials, and establishes an emergency response plan
7 and emergency training programs.

8 The California Hazardous Waste Control Act, codified in Health and Safety Code Section
9 25100, *et seq.*, authorizes Toxic Substances Control and local certified unified program
10 agencies to regulate facilities that generate or treat hazardous waste and requires the safe
11 management, handling, and transport of hazardous waste within the State of California.
12 Toxic Substances Control is responsible for restoration, protection, and enhancement of the
13 environment; ensuring public health, environmental quality, and economic vitality through
14 regulating hazardous waste; conducting and overseeing cleanups; and, developing and
15 promoting pollution prevention. Toxic Substance Control implements programs that
16 oversee cleanups and prevent releases by ensuring waste is properly generated, handled,
17 transported, stored, and disposed of; enforcing laws; promoting pollution reduction;
18 encouraging recycling and reuse; conducting toxicological evaluations; and, involving the
19 public in decisions.

20 California Government Code

21 Government Code Section 65962.5 requires Toxic Substances Control, the State Department
22 of Health Services, the State Water Resources Control Board, and the California Integrated
23 Waste Management Board to assemble and annually update lists of hazardous waste sites
24 and hazardous waste properties within California. The Secretary for Environmental
25 Protection distributes these lists to each city and county where sites on the lists are located.
26 Prior to approval of a development project by a lead agency, the applicant shall consult
27 these lists to determine that a project site is not listed.

28 CEQA Guidelines

29 CEQA Guidelines Section 15186 requires that proposed school projects and any project
30 located near a school to be examined for potential health impacts caused by hazardous
31 materials, wastes, and substances. These impacts are to be discussed in an environmental
32 document.

1 California Public Resources Code

2 Public Resources Code Section 21092.6 requires land agencies to consult with the compiled
3 lists discussed above to determine whether a project or alternatives are located on a
4 hazardous waste site.

5 *Local*

6 The County's Office of Emergency Services ("Emergency Services") coordinates the overall
7 County response to disasters such as natural disasters, human events, and technological
8 incidents, including both peacetime and wartime nuclear defense operations in order to
9 protect life and property and the well-being of the population. The County prepared its San
10 Diego Regional Fire Prevention and Emergency Preparedness Task Force Final Report
11 (April 1, 2006) to provide guidance in (a) alerting and notifying appropriate agencies when
12 disaster strikes and coordinating responding agencies, (b) ensuring resources are available
13 and mobilized in times of disaster, (c) developing plans and procedures for response to and
14 recovery from disasters, and (d) developing and providing preparedness materials for the
15 public. Emergency Services operates the Operational Area Emergency Operations Center
16 which provides regional coordinated emergency response. In addition, the Operational
17 Area Emergency Operations Center also acts as staff to the Unified Disaster Council, a joint
18 powers agreement between all 18 incorporated cities and the County of San Diego. The
19 Unified Disaster Council is responsible for the coordination of plans and programs on a
20 County-wide basis to ensure protection of life and property.

21 The General Plan's Public Facilities, Services, and Safety Services Element gives goals and
22 policies with regard to the safe handling of hazardous materials. The Element addresses
23 goals with regard to hazard prevention and safety education and provides policies aimed at
24 encouraging advance disposal fees to prevent the disposal of materials that cause handling
25 problems or hazards at landfills and encouraging cooperation on a regional basis with local
26 governments, state agencies, and private solid waste companies to find the best practicable,
27 environmentally safe, and equitable solutions to solid and hazardous waste management.

28 Through the use of technology, the City coordinates efforts to improve its ability to manage
29 vital information and limited resources during a major emergency such as an earthquake,
30 chemical spill, or act of terrorism. The City also manages homeland security and other grant
31 funds to enhance the City's security and overall preparedness to prevent, respond to, and
32 recover from any hazard whether natural or man-made.

33 The City actively participates in the County's 2004 Multi-Jurisdictional Hazard Mitigation
34 Plan, as approved by City Council Resolution R-2991 on April 26, 2004 and the Federal
35 Emergency Management Agency on February 22, 2005. The Plan identifies potential risks
36 represented by both natural and manmade disasters which may include fire and/or wildfire,

1 earthquakes, landslides, and floods. The Plan provides measures to minimize potential
2 damage from such disasters; enhance public awareness and understanding; create decision
3 tools for management; promote compliance with Federal and State program requirements;
4 enhance local policies for hazard mitigation capability; and provide inter-jurisdictional
5 coordination. All local governments are required to create a disaster plan to qualify for
6 available funding, per requirements of the Federal Disaster Mitigation Act of 2000.²

7 City of San Diego Municipal Code

8 The Municipal Code - Chapter 5, Public Safety, Morals and Welfare, provides measures for
9 handling of hazardous materials; cleanup of contaminated property; emergency planning
10 and preparedness; fire prevention and fire protection systems; and, requirements for
11 wildland-urban interface areas among other issues. In addition, Chapter 5 addresses public
12 emergency procedures for the preparation and carrying out plans for the protection of
13 persons and property within the City in the event of an emergency.

14 4.8.3 Standards of Significance

15 For purposes of evaluating impacts in this EIR, the AOC considers an impact to be
16 significant if the Project:

- 17 ▪ Will produce a substantial safety hazard in the vicinity of an airport or airstrip for
18 people visiting or working in the Project area;
- 19 ▪ Will create a significant hazard to the public or the environment through the routine
20 transport, use or dispose of hazardous materials;
- 21 ▪ Will create a significant hazard to the public or the environment through reasonably
22 foreseeable upset and accident conditions involving the release hazardous materials
23 into the environment;
- 24 ▪ Will emit hazardous emissions or handle hazardous or acutely hazardous materials,
25 substances, or waste;
- 26 ▪ Is located on a site that is included on a list of hazardous materials sites compiled
27 pursuant to Government Code Section 65962.5 and will create a significant hazard to
28 the public or the environment;
- 29 ▪ Will impair implementation of, or physically interfere with an adopted emergency
30 response plan or emergency evacuation plan; or,

² General Plan.

- 1 ▪ Will expose people or structures to a significant risk of loss, injury, or death
2 involving wildland fires, including where wildlands are adjacent to urbanized areas
3 or where residences are intermixed with wildlands.

4 4.8.4 Potential Impacts and Mitigation Measures

5 4.8.4.1 Result in Safety Hazards in the Vicinity of an Airport or Airstrip for 6 People Visiting or Working in the Project Area

7 **Potential Impact:** (HAZ-1) Will the Project result in a safety hazard in the vicinity of an
8 airport or private airstrip for people visiting or working in the Project area?

9 **Less Than Significant Impact.**

10 The proposed site is located approximately 1.0 mile southeast of the San Diego International
11 Airport and is within the City’s Airport Approach Overlay Zone. The AOC expects the
12 proposed courthouse to be approximately 400 feet tall. The Project’s design will be
13 consistent with Federal Aviation Administration and/or other laws and regulations, if
14 applicable, aimed at ensuring continued public safety and the avoidance of interference
15 with airport operations. In addition, the proposed courthouse will be lower than many
16 existing buildings within the surrounding area. As such, the proposed Project will not result
17 in a safety hazard in the vicinity of an airport or airstrip for people visiting or working in
18 the Project area. Impacts will be less than significant.

19 Mitigation Measures: None required.

20 4.8.4.2 Public Exposure to Hazards

21 **Potential Impact:** (HAZ-2) Will the Project create a significant hazard to the public or
22 the environment through the routine transport, use or dispose of hazardous
23 materials?

24 **Less than Significant Impact.**

25 The Project will construct a new courthouse and demolish several buildings on the
26 Stahlman Block, the existing County Courthouse, and the Old Jail. Although limited
27 amounts of hazardous materials may be transported to the proposed site for construction or
28 used during the construction phases (e.g., certain building materials, equipment, diesel
29 engines, engine oil, etc.), this will be temporary and short-term. Due to their age, the
30 existing structures on the Project’s courthouse site, the County Courthouse, and the Old Jail
31 contain asbestos and may contain hazardous materials such as lead paint or polychlorinated
32 biphenyls. Removal, treatment, and offsite disposal of such materials will occur consistent

1 with applicable Federal, State, and local regulations pertaining to the handling of hazardous
2 substances. Therefore, the Project will not create hazardous conditions or result in
3 significant impacts to the public.

4 Long-term operation of the new courthouse will be similar to that of the existing
5 courthouse. Operation of the new courthouse will not create a significant increase in the use,
6 transport, or disposal of hazardous materials.

7 In addition, the AOC intends to construct the new courthouse to achieve a LEED Silver
8 Rating, which will require the use of materials that are made with compounds with reduced
9 hazardous materials content (e.g., low volatile organic compound paints and finishes,
10 sustainable building materials, etc.), and therefore, will potentially reduce the quantity of
11 hazardous materials or processes relative to Project construction and operation. Project
12 impacts are therefore considered less than significant.

13 Mitigation Measures: None required.

14 4.8.4.3 Release of Hazardous Materials

15 **Potential Impact:** (HAZ-3) Will the Project create a significant hazard to the public or
16 the environment through reasonably foreseeable upset and accident
17 conditions involving the release hazardous materials into the environment?

18 **Less than Significant Impact with Mitigation Incorporated.**

19 The Phase I Environmental Site Assessment (August 2007) indicated that other than one
20 drum of solvent material stored onsite (in good condition) at the 1140 Union Street building,
21 no other hazardous materials or leaks or spills were observed. No aboveground or below
22 ground storage tanks were identified onsite or were listed in the database report for the
23 subject site;³ however, the Phase I and Limited Phase II Site Assessments⁴ noted a magnetic
24 anomaly detected by an underground utility locator approximately 20 feet west of onsite
25 Monitoring Well 1 (conducted prior to the drilling for Monitoring Well 1). The assessment
26 indicates that this anomaly may represent a buried storage tank and needs further
27 evaluation, whether prior to or during site excavation, to ensure that if a tank is uncovered,
28 the tank is removed or inactivated in accordance with County of San Diego or State
29 requirements, as applicable.

30 Analysts identified no documented hazardous release sites on the Project site, and the
31 County of San Diego Department of Environmental Health does not identify the site as a
32 hazardous release site warranting enforcement action. In addition, the results of the soils

³ ERM, August 2007.

⁴ Law/Crandall, 2000.

1 and soil gas samples taken as part of the Limited Subsurface Investigation (January 2008) to
2 investigate the potential for soil contamination caused by former onsite uses consisting of an
3 automobile repair service and a plating and manufacturing works indicated a low
4 likelihood that past historical operations have significantly impacted subsurface conditions
5 at the site.

6 In addition, the November 2009 Hazardous Materials Screening conducted by SCS
7 Engineers indicated that 13 facilities within 0.20 mile of the Project site stored or used
8 hazardous materials, generate hazardous waste, or have leaking underground storage
9 tanks. Three of these were open leaking underground storage tank (LUST) cases; however,
10 the report concluded that none of these sites pose significant risk to future development or
11 operation of the New San Diego Central Courthouse facility.

12 SCS Engineers' assessment also noted the potential for burned or incinerated ash from
13 backyard incinerators or burn pits and metal-bearing fill material (i.e., from imported fill
14 from an unknown source, aerially deposited lead, paint on historical residences, etc.) to be
15 present or mixed with the soil. Burn-ash impacted soils and metal-bearing fill may contain
16 high concentrations of contaminants of concern, particularly metals such as copper, lead,
17 zinc, mercury, and cadmium). Enforcement requiring the remediation of burn-ash and
18 metal-bearing fill material is typically caused by redevelopment activities, excavation, and
19 potential exposure concerns. If present at the Project site during redevelopment activities, a
20 recognized environmental condition may occur. If such materials are encountered at the
21 Project site, the AOC will comply with all applicable laws and regulations for proper waste
22 management, handling, and disposal. Through compliance with such measures, impacts
23 would be reduced to less than significant.

24 Mitigation Measures: (HAZ-1) Prior to grading or construction on the Project site, the AOC
25 shall excavate the area approximately 20 feet west of Monitoring Well 1 evidence of
26 an underground storage tank. If an underground storage tank is found, the AOC
27 shall remove the tank under permit and inspection of the County of San Diego
28 Department of Environmental Health, Underground Storage Tank Program.

29 4.8.4.4 Emit or Handle Hazardous Materials

30 **Potential Impact:** (HAZ-4) Will the Project emit hazardous emissions or handle
31 hazardous or acutely hazardous materials, substances, or waste?

32 **Less than Significant Impact.**

33 Due to the nature of the proposed use as a replacement courthouse and consideration for
34 typical daily operation requirements, the Project will not emit hazardous emissions or
35 require the handling of hazardous or acutely hazardous materials, substances, or waste.
36 Impacts will be less than significant.

1 Mitigation Measures: None required.

2 4.8.4.5 Documented Hazardous Materials Sites

3 **Potential Impact:** (HAZ-5) Will the Project be on a site that is included on a list of
4 hazardous materials sites compiled pursuant to Government Code Section
5 65962.5 and, as a result, will it create a significant hazard to the public or the
6 environment?

7 **Less than Significant Impact.**

8 Analysts identified no documented hazardous release sites on the Project site, and County's
9 Department of Environmental Health has not identified the site as a hazardous release site
10 warranting enforcement action. In addition, the results of the soils and soil gas samples
11 taken as part of the Limited Subsurface Investigation (January 2008) indicated a low
12 likelihood that past historical operations have significantly impacted subsurface conditions.
13 If construction personnel encounter undocumented sources of groundwater or soil
14 contamination during grading or construction activities, construction personnel shall report
15 the discovery and remove the contamination in compliance with applicable Federal, State,
16 or local regulations. With compliance to standard regulations pertaining to remediation
17 requirements, impacts are considered to be less than significant.

18 If construction personnel encounter abandoned, improperly destroyed wells during
19 excavation or grading activities on the Project site, construction personnel will destroy the
20 wells in accordance with applicable State and local regulations.

21 The Project site is not located on a site that is included on a list of hazardous materials sites
22 compiled pursuant to Government Code Section 65962.5, and the AOC concludes that the
23 Project will not create a significant hazard to the public or the environment. Impacts will be
24 less than significant.

25 Mitigation Measures: None Required.

26 4.8.4.6 Emergency Response Plan

27 **Potential Impact:** (HAZ-6) Will the Project impair implementation of, or physically
28 interfere with an adopted emergency response plan or emergency evacuation
29 plan?

30 **Less than Significant Impact.**

31 Development of the Project site will not impair the implementation of or physically interfere
32 with an adopted emergency response plan. The Project will replace the existing County
33 Courthouse, and will not require offsite improvements that will substantially interfere with

1 traffic flow patterns. Although temporary lane closures may occur during the construction
2 phase, the AOC's construction contractor will prepare a Traffic Control Plan prior to
3 construction to minimize Project effects on traffic patterns and emergency access. No long-
4 term operational effects will hinder emergency response. Impacts will be less than
5 significant.

6 Mitigation Measures: None required.

7 4.8.4.7 Wildland Fires

8 **Potential Impact:** (HAZ-7) Will the Project expose people or structures to a significant
9 risk of loss, injury, or death involving wildland fires, including where
10 wildlands are adjacent to urbanized areas or where residences are intermixed
11 with wildlands?

12 **Less than Significant Impact.**

13 The Project site lies within an urban setting and the surrounding area is built-out. As such,
14 the threat for hazards to occur as the result of wildland fires is very low. The Project will
15 therefore not expose people or structures to a significant risk of loss, injury, or death
16 involving wildland fires, including where wildlands are adjacent to urbanized areas or
17 where residences are intermixed with wildlands. Impacts will be less than significant.

18 Mitigation Measures: None required.
19

1 4.9 LAND USE AND PLANNING

2 This section evaluates the potential impacts of the Project in terms of land use and planning.

3 4.9.1 Environmental Setting

4 The Project's proposed courthouse site is approximately 1.4 acres. An office, restaurant, and
5 bail bond functions (three attached structures) fronting onto Union Street are on the
6 northeastern one-quarter of the block. These structures range from one to four stories in
7 height. The balance of the site supports a surface parking lot for public use.

8 Surrounding land uses include the existing County Courthouse/Old Jail to the east; a variety
9 of surface parking lots, mixed retail establishments, and high-rise office buildings, surface
10 parking and a mixture of commercial uses are located to the west and south. To the north
11 are surface parking lots, an auto maintenance use, and mixed commercial uses. To the
12 northeast is a County-operated auto maintenance use. Directly to the south, the site is
13 currently utilized for surface parking, with the Hall of Justice located just across C Street. To
14 the south of Broadway, land uses include large-scale commercial and institutional uses, as
15 well as limited residential uses. Structures in the general area are generally high-rise and
16 mid-rise structures. C Street to the south of the Project site carries both vehicular traffic and
17 supports a light rail transit line for the San Diego Trolley. The County Courthouse's existing
18 bridges span B and C Streets between Front and Union Street, and bridges connect the
19 County Courthouse to the Hall of Justice and Central Jail.

20 As a State agency, the AOC is not subject to land use planning and zoning regulations
21 established by local authorities. Government Code Section 70391 gives the Judicial Council
22 of California full responsibility, jurisdiction, control, and authority over trial court facilities
23 including property acquisition, planning, construction, and disposal of property. The
24 California Trial Court Facilities Standards,¹ which the Judicial Council of California
25 published in April 2006, provide direction for development of trial court facilities; however,
26 the State is coordinating closely with the City and CCDC to ensure that the Project generally
27 conforms with local land use plans and policies.

¹ Available at http://www.courtinfo.ca.gov/programs/occm/documents/06_April_Facilities_Standards-Final-Online.pdf

1 4.9.2 Analytical Framework

2 4.9.2.1 Analytical Methodology

3 Analysts reviewed the following land use and planning documents for relevance to the
4 Project site and surrounding area:

- 5 ▪ The General Plan (March 2008);
- 6 ▪ The General Plan Final EIR (Certified September 2007);
- 7 ▪ Municipal Code;
- 8 ▪ Municipal Code: Chapter 15, Article 6: Planned Districts, Division 3: The Centre City
9 Planned District, Sections 156.0301 – 156.0315 (as amended October 18, 2007);
- 10 ▪ San Diego Downtown Community Plan (Adopted February 28, 2006); and,
- 11 ▪ Airport Land Use Compatibility Plan for the San Diego International Airport
12 (Lindbergh Field) (adopted February 1992, amended October 2004).

13 4.9.2.2 Regulatory Background

14 *City of San Diego General Plan / Downtown Community Plan*

15 As a component of the City's General Plan, the San Diego Downtown Community Plan
16 includes policies, standards, and implementation strategies for each of the seven elements of
17 the General Plan. The Centre City Planned District Ordinance provides regulations and
18 controls for land use, density and intensity, building massing, sun access, architectural
19 design, with the intent of implementing the policies of the Downtown Community Plan. The
20 Downtown Community Plan provides guidelines for future development within each of the
21 Centre City district's communities; refer to *Figure 4.9-1: Proposed Neighborhoods and Districts*.

22 The Project site is within the Columbia District, which the City envisions as a combination
23 of high-intensity office, residential, hotel, and cultural uses in a largely high-rise
24 environment, linked to the waterfront. Adjacent to the east of the Columbia District is the
25 Civic/Core District, which is a center of concentrated business and civic activity for the
26 downtown area and the region, with the pending redevelopment of the Civic Center and
27 Concourse, as well as the adjacent County court. The Project site has a Public/Civic zoning
28 classification with a General Plan land use designation of Public/Civic; refer to *Figure 4.9-2:
29 Proposed Land Use Map*. The Civic/Core District accommodates a variety of uses, including
30 government, business and professional offices, as well as judicial facilities. The City intends
31 to develop the Civic/Core area to reinforce the area as a center of business and civic activity

1 for the downtown and the region, and to accommodate new high-rises containing office and
2 mixed-use development, supported by the active civic uses.

3 The AOC is the Lead Agency for the State for the Project, and the AOC is not subject to the
4 City's land use approval or permits. The AOC will continue to cooperate with the Centre
5 City Development Corporation to ensure that the Project generally conforms to local land
6 use plans and policies.

7 *City of San Diego Municipal Code*

8 The City's Planned District Ordinance of the Municipal Code pertains to the Project site and
9 identifies design and performance standards for the implementation of the Downtown
10 Community Plan. Design standards guide future land use, floor area ratios, and structural
11 bulk, among other design elements (City of San Diego Planned District Ordinance Sections
12 156.0301-156.0315). Other design standards given in the Planned Development Ordinance
13 address outdoor lighting, shielding of outdoor mechanical equipment and storage areas, as
14 well as standards for building setbacks, architectural design, height limits (subject to Federal
15 Aviation Administration and the City's Airport Approach Overlay Zone, as applicable),
16 access, parking requirements, protection of view corridors, and other design elements. The
17 Project site is not within an area designated for sun access or for building setbacks intended
18 to protect the City's designated view corridors. The AOC will generally conform with the
19 City's policies pertaining to vehicular access and avoidance of curb cuts.

20 Other Municipal Code policies and design standards for the Centre City area include
21 facilitating public transit to the Centre City area, reducing single-occupancy vehicle and
22 related off-street parking demands, and reducing land area devoted to parking. There are no
23 minimum off-street parking requirements for non-residential uses for proposed uses within
24 the Centre City area; however, there are Transportation Demand Management measures to
25 reduce the number of single-occupancy vehicle trips to the City Centre. The Project site is
26 within the City's Transit Area Overlay Zone (Diagram 132-10A). The Transit Area Overlay
27 Zone provides supplemental parking regulations for areas within the City that receive a
28 high level of transit service (Section 132.1001-131.1002). The zone is intended to identify
29 areas with reduced parking demand and to lower off-street parking requirements if
30 applicable.

31 *Airport Land Use Plans*

32 The Project site is located approximately 1.0 mile southeast of the San Diego International
33 Airport (Lindbergh Field). In addition, the Project may be subject to Federal Aviation
34 Administration regulations (e.g., height limits).

1 According to Section 132.0201 of the City’s Municipal Code, the Project site lies within the
2 Airport Approach Overlay Zone (see also Diagram 132-02A) for the San Diego International
3 Airport. According to Section 132.0302 of the Code, the Project site is not located within the
4 Airport Environs Overlay Zone.

5 The Airport Land Use Commission of the San Diego County Regional Airport Authority is
6 responsible for creating or updating Airport Land Use Compatibility Plans for the region's
7 16 public-use and military airports, in accordance with applicable State and Federal law.
8 The San Diego County Regional Airport Authority prepared the Airport Land Use
9 Compatibility Plan for the San Diego International Airport (Lindbergh Field) (adopted
10 February 1992, amended October 2004). The Plan discusses the potential operational effects
11 of the airport on surrounding land uses and evaluates potential land use conflicts with
12 regard to public safety. According to the Land Use Compatibility Plan, the Project site lies
13 outside of the Airport Approach Zone. The Project site is outside of the Federal Aviation
14 Authority’s Area of Influence for this Airport.

15 4.9.3 Standards of Significance

16 For purposes of evaluating impacts in this EIR, the AOC considers an impact to be
17 significant if the Project will:

- 18 ▪ Conflict with any applicable land-use plan, policy, or regulation of an agency with
19 jurisdiction over the Project adopted for the purpose of avoiding or mitigating an
20 environmental effect; or,
- 21 ▪ Physically divide an established community.

22 4.9.4 Potential Impacts and Mitigation Measures

23 4.9.4.1 Conformance with Local Plans and Policies

24 **Potential Impact:** (LU-1) Will the Project conflict with any applicable land-use plan,
25 policy, or regulation of an agency with jurisdiction over the Project adopted
26 for the purpose of avoiding or mitigating an environmental effect?

27 **Less Than Significant Impact.**

28 The Project will demolish the existing onsite structures and construct a new courthouse that
29 will replace the existing courthouse. Due to the urban, highly developed nature of the
30 downtown San Diego area and the Project’s replacement of the existing courthouse facilities
31 on a currently developed site, the AOC concludes that the Project is consistent with land use
32 plans, policies, or regulations. The proposed use of the site is consistent with the adopted

1 Downtown Community Plan and Planned Development Ordinance that govern future
2 development within the area. The Project is consistent with Federal Aviation Administration
3 regulations, established applicable policies, and land use compatibility plans with regard to
4 operation of the San Diego International Airport. As stated earlier, local agencies' planning
5 jurisdictions do not apply to the AOC. For the above reasons, Project impacts are less than
6 significant.

7 Mitigation Measures: None required.

8 4.9.4.2 Physically Divide a Community

9 **Potential Impact:** (LU-2) Will the Project physically divide a community?

10 **Less than Significant Impact.**

11 The Project will convert the existing onsite land uses (small-scale commercial uses and
12 surface parking) to the new courthouse. Similar judicial facilities are located in the area
13 surrounding the Project site (e.g., existing courthouse/Old Jail, Hall of Justice, etc.); refer to
14 *Figure 4.9-2: Proposed Land Use Map*. The Project will not significantly divide or disrupt the
15 arrangement of land uses in the area of the Project, and it will not displace any dwelling
16 units or residents. In addition, the proposed use will not conflict with or disrupt the daily
17 operations of surrounding commercial, residential, or governmental uses presently existing
18 in the area. Project impacts will be less than significant.

19 Mitigation Measures: None required.

20

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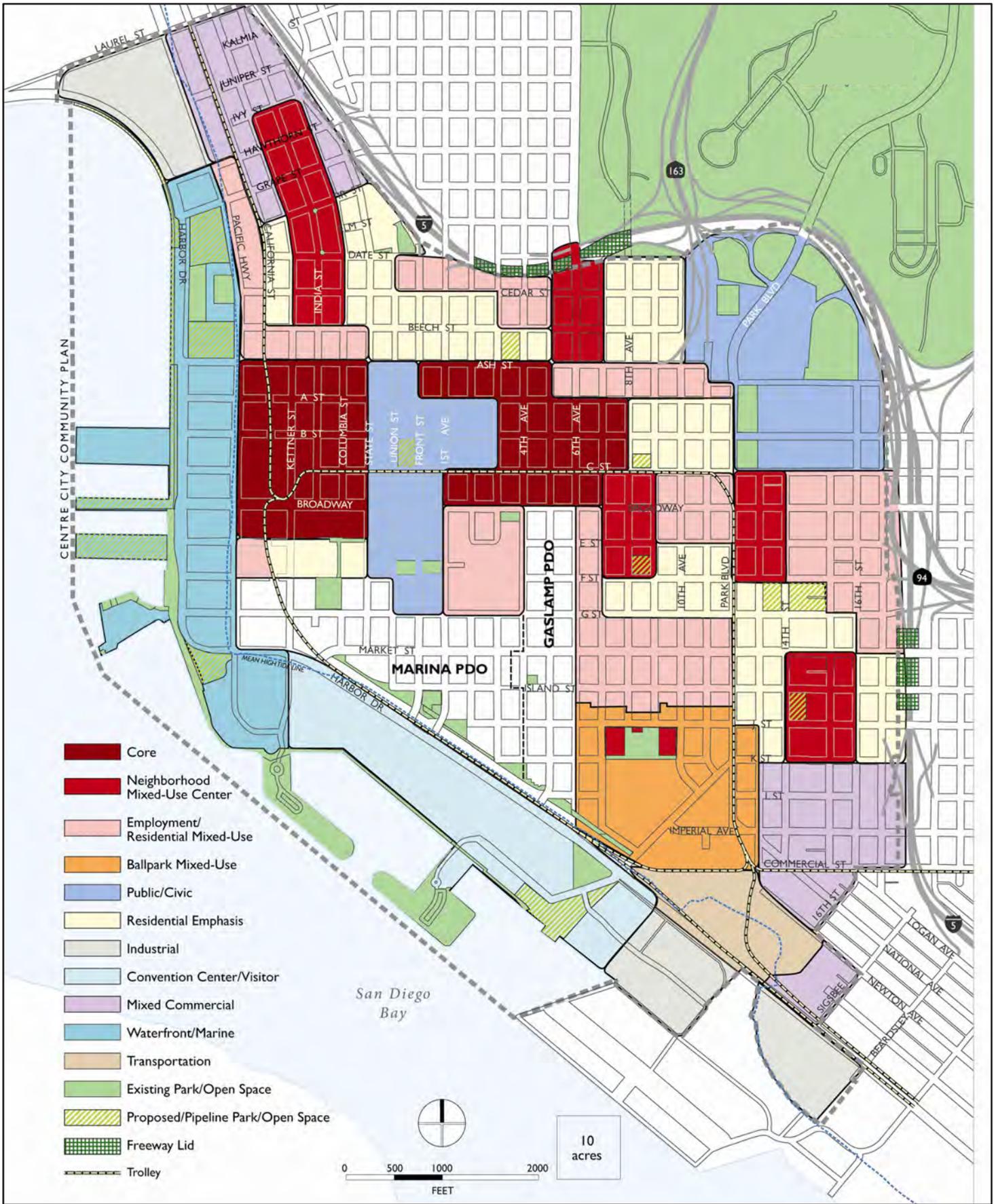
SOURCE: Final EIR for the Proposed San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, January 2006
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NEW SAN DIEGO
CENTRAL COURTHOUSE

PROPOSED NEIGHBORHOODS AND DISTRICTS

Figure 4.9-1

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1 4.10 MINERAL RESOURCES

2 This section addresses the proposed Project's potential impacts on mineral resources.

3 4.10.1 Environmental Setting

4 The Project site is in a high-density urban area of downtown San Diego, and most properties
5 in the surrounding area are fully developed. The Project site is currently developed with
6 existing commercial and surface parking uses; the surrounding area is generally developed
7 with high-density civic uses and commercial businesses. There are no known mineral
8 resources or mineral extraction operations on the Project site or within the surrounding area.

9 4.10.2 Analytical Framework

10 Analysts found no mineral resources in the surrounding area. The City has not designated
11 the Project area as a mineral resource zone.

12 4.10.3 Standards of Significance

13 For purposes of evaluating impacts in this EIR, the AOC considers an impact to be
14 significant if the Project will:

- 15 ▪ Result in the loss of availability of a known mineral resource that would be of value
16 to the region and the residents of the State; or,
- 17 ▪ Result in the loss of availability of a locally important mineral resource recovery site
18 delineated on a local general plan, specific plan, or other land use plan.

19 4.10.4 Potential Impacts and Mitigation Measures

20 **Potential Impact:** (MIN-1) Will the Project result in the loss of availability of a known
21 mineral resource that would be of value to the region and the residents of the State?

22 **No Impact.**

23 The Project is not located in a designated resource zone area, and no mining operations are
24 active in the area. Implementation of the Project will not result in the loss of availability of a
25 known mineral resource that would be of value to the region or to the residents of the State.
26 No local or State designations for mineral extraction have been identified for the Project site.

1 Therefore, the Project will have no impact on mineral resources, and no mitigation is
2 required.

3 **Potential Impact:** (MIN-2) Will the Project result in the loss of availability of a locally
4 important mineral resource recovery site delineated on a local general plan, specific plan, or
5 other land use plan?

6 **No Impact.**

7 The Project site is not currently being utilized for mineral extraction and does not contain
8 any known mineral resources that will be of value to the region. The Project area is not
9 delineated on a local general plan, specific plan, or other land use plan as a locally
10 important mineral resource recovery site. Therefore, the Project will have no impact, and no
11 mitigation is required.

12 Mitigation Measures: None required.

13

1 4.11 NOISE

2 This section addresses potential noise and vibration impacts from short-term and long-term
3 activities associated with the proposed Project. Data used to prepare this analysis were
4 drawn from the City of San Diego General Plan Noise Element and the City of San Diego
5 Municipal Code.

6 4.11.1 Environmental Setting

7 4.11.1.1 Noise Scales and Definitions

8 Sound is technically described in terms of the loudness (amplitude) of the sound and
9 frequency (pitch) of the sound. The standard unit of measurement of the loudness of sound
10 is the decibel (dB). Since the human ear is not equally sensitive to sound at all frequencies, a
11 special frequency-dependent rating scale has been devised to relate noise to human
12 sensitivity. The A-weighted decibel scale (dBA) performs this compensation by
13 discriminating against frequencies in a manner approximating the sensitivity of the human
14 ear.

15 Decibels are based on the logarithmic scale. The logarithmic scale compresses the wide
16 range in sound pressure levels to a more usable range of numbers in a manner similar to the
17 Richter scale used to measure earthquakes. In general, a 1 dB change in the sound pressure
18 levels of a given sound is detectable only under laboratory conditions. A 3 dB change in
19 sound pressure level is considered a “just detectable” difference in most situations. A 5 dB
20 change is readily noticeable and a 10 dB change is considered a doubling (or halving) of the
21 subjective loudness. It should be noted that, generally speaking, a 3 dBA increase or
22 decrease in the average traffic noise level is realized by a doubling or halving of the traffic
23 volume, or by about a 7 mile per hour increase or decrease in speed.

24 For each doubling or distance from a point noise source (a stationary source, such as a
25 loudspeaker or loading dock), the sound level will decrease by 6 dBA. For example, if a
26 person is 100 feet from a machine, and moves to 200 feet from that source, sound levels will
27 drop approximately 6 dBA. In terms of human response to noise, a sound 10 dBA higher
28 than another is judged to be twice as loud; 20 dBA higher four times as loud; and so forth.
29 Everyday sounds normally range from 30 dBA (very quiet) to 100 dBA (very loud).
30 Examples of various sound levels in different environments are shown in *Figure 4.11-1:*
31 *Sound Levels and Human Response.*

1 Many methods have been developed for evaluating community noise to account for the
 2 variation of noise levels over time, the influence of periodic individual loud events, and a
 3 community’s response to changes in the community noise environment. *Table 4.11-1: Noise*
 4 *Descriptors*, lists several methods.

5 Table 4.11-1: Noise Descriptors

Term	Definition
Decibel (dB)	The unit for measuring the volume of sound equal to 10 times the logarithm (base 10) of the ratio of the pressure of a measured sound to a reference pressure (20 micropascals).
A-Weighted Decibel (dBA)	A sound measurement scale that adjusts the pressure of individual frequencies according to human sensitivities. The scale accounts for the fact that the region of highest sensitivity for the human ear is between 2,000 and 4,000 cycles per second (hertz).
Equivalent Sound Level (L_{eq})	The sound level containing the same total energy as a time varying signal over a given time period. The L_{eq} is the value that expresses the time averaged total energy of a fluctuating sound level.
Maximum Sound Level (L_{max})	The highest individual sound level (dBA) occurring over a given time period.
Minimum Sound Level (L_{min})	The lowest individual sound level (dBA) occurring over a given time period.
Community Noise Equivalent Level (CNEL)	A rating of community noise exposure to all sources of sound that differentiates between daytime, evening, and nighttime noise exposure. These adjustments are +5 dBA for the evening, 7:00 PM to 10:00 PM, and +10 dBA for the night, 10:00 PM to 7:00 AM.
Day/Night Average (L_{dn})	The L_{dn} is a measure of the 24-hour average noise level at a given location. It was adopted by the U.S. Environmental Protection Agency for developing criteria for the evaluation of community noise exposure. It is based on a measure of the average noise level over a given time period called the L_{eq} . The L_{dn} is calculated by averaging the L_{eq} s for each hour of the day at a given location after penalizing the “sleeping hours” (defined as 10:00 PM to 7:00 AM), by 10 dBA to account for the increased sensitivity of people to noises that occur at night.
Exceedance Level (L_n)	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% (L_{01} , L_{10} , L_{50} , L_{90} , respectively) of the time during the measurement period.

Source: Cyril M. Harris, Handbook of Noise Control, dated 1979.

6 4.11.1.2 Effects of Noise on People

7 The effects of noise on people include:

- 8 ▪ Subjective effects of annoyance, nuisance, and dissatisfaction;
- 9 ▪ Interference with activities such as speech, sleep, and learning; and,

- 1 ▪ Physiological effects such as hearing loss or sudden startling.

2 Environmental noise typically produces effects in the first two categories. Workers in
3 industrial plants can experience noise in the last category. There is no completely
4 satisfactory way to measure the subjective effects of noise or the corresponding reactions of
5 annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance
6 exists, and different tolerances to noise tend to develop based on an individual's experiences
7 with noise.

8 Thus, an important way of predicting a person's reaction to a new noise environment is the
9 way the new noise environment compares with the existing environment where the person
10 has already adapted: the "ambient noise" level. In general, the more a new noise exceeds the
11 previously existing ambient noise level, the less acceptable the new noise will be judged by
12 those hearing it. For increases in the A-weighted noise level, the following relationships may
13 occur:¹

- 14 ▪ Under controlled conditions in an acoustics laboratory, the trained healthy human
15 ear is able to discern changes in sound levels of 1 dBA;
- 16 ▪ Outside these controlled conditions, the trained ear can detect changes of 2 dBA in
17 normal environmental noise;
- 18 ▪ It is widely accepted that the average healthy ear, however, can barely perceive
19 changes in the noise level of 3 dBA;
- 20 ▪ A change in level of 5 dBA is a readily perceptible increase in noise level; and,
- 21 ▪ A 10 dBA change is recognized as twice as loud as the original source.

22 These relationships occur in part because of the logarithmic nature of sound and the decibel
23 system. Two noise sources do not combine in a simple linear fashion, but rather
24 logarithmically, because the decibel scale is based on logarithms. For example, if two
25 identical noise sources produce noise levels of 50 dBA, the combined sound level will be 53
26 dBA, not 100 dBA.

27 4.11.1.3 Sensitive Receptors

28 Some land uses are considered more sensitive to ambient noise levels than others because of
29 the amount of noise exposure, in terms of both duration and insulation from noise, and the
30 types of activities typically involved. Receptors in residences, schools, libraries, churches,
31 hospitals, nursing homes, and parks and other outdoor recreation areas generally are more
32 sensitive to noise than are commercial and industrial land uses. Sensitive receptors in the

¹ Caltrans 1998

1 vicinity of the Project site include the W Hotel, which is approximately 100 feet west of the
2 Project site across State Street, and the Sophia Hotel, which is approximately 100 feet east of
3 the County Courthouse. In addition, the AOC considers the Superior Court's courtrooms,
4 judicial chambers, and conference facilities in the County Courthouse to be sensitive
5 receptors. Other land uses surrounding the Project site generally include commercial uses
6 and government-related facilities.

7 4.11.1.4 Existing Noise Environment

8 The 20-story W Hotel and a single-story commercial office building are approximately 100
9 feet west of the proposed courthouse building; a single-story office building is
10 approximately 250 feet north of the proposed courthouse building; the County Courthouse
11 is approximately 100 feet east of the proposed courthouse building; the Sofia Hotel is
12 approximately 75 feet east of the County Courthouse; and, the Hall of Justice is
13 approximately 150 feet south of the proposed courthouse building and 65 feet west of the
14 County Courthouse. The 20-story W Hotel has public facilities on its lowest two floors, and
15 hotel rooms on the remaining floors (third floor and higher). The County Courthouse has
16 offices on its two lowest floors and courtrooms and other noise-sensitive uses are on the
17 building's third, fourth, and fifth floors opposite the proposed new courthouse site. The 7-
18 story Sofia Hotel has public facilities on its first floor and hotel rooms on its other floors.
19 Analysts found no other sensitive receptors near the Project's site.

20 The primary source of existing noise at the proposed courthouse site is automobile and
21 truck traffic on Union Street, State Street, Front Street, West B Street, West C Street, and
22 West Broadway. No major stationary or industrial noise sources are located in close
23 proximity.

24 Analysts collected three short-term (10-minute) noise measurements to characterize ambient
25 noise conditions in the Project vicinity (see Analytical Methodology, below). *Table 4.11-2:*
26 *Summary of Existing Noise Measurements*, describes noise measurement locations, noise levels,
27 and noise sources.

1

Table 4.11-2: Summary of Existing Noise Measurements

Location	Time Period	10-minute Noise Measurements (dB)	Noise Sources
Site 1. Public Pay Parking lot (New Courthouse site) on the northwest corner of the Union Street/C Street intersection, approximately 100 feet west of the existing courthouse.	2:26 - 2:36 PM	Leq – 64.6 Lmin – 55.4 Lmax – 81.5 Peak – 92.9	Traffic (both cars and buses) from Union Street and C Street were primary source of noise. In addition the San Diego Trolley runs east/west along C Street providing intermittent moments of substantial noise, including horn noise.
Site 2. Sophia Hotel - Approximately 50 feet east of existing courthouse (to be demolished).	2:57 - 3:07 PM	Leq – 68.5 Lmin – 59.3 Lmax – 83.4 Peak – 101.7	Traffic was primary source of noise. In addition police sirens, cars unloading in front of the Sophia Hotel, conversations of hotel workers and large trucks contributed substantial amounts of noise.
Site 3. The W Hotel – Approximately 50 feet west of New Courthouse site.	3:24 – 3:34 PM	Leq – 66.2 Lmin – 60.3 Lmax – 81.3 Peak – 91.5	Primary sources of noise included cars unloading in front of hotel, conversations of guests and workers, and traffic on State Street.

Source: RBF Consulting, July 2010.

2 4.11.1.5 Mobile and Stationary Noise Sources

3 The primary noise sources in the vicinity of the Project area include roadway traffic,
4 including buses, large trucks and automobiles, the San Diego Trolley, and the San Diego
5 International Airport. Both mobile and stationary noise sources, such as from operations of
6 existing buildings, contribute to the existing noise levels within the Project area.

7 In order to assess the potential for mobile source noise impacts, it is necessary to determine
8 the noise currently generated by vehicles traveling through the Project area. Analysts
9 modeled the existing roadway noise levels in the vicinity of the Project area using the
10 Federal Highway Administration’s Highway Noise Prediction Model (FHWA-RD-77-108)
11 together with several roadway and site parameters; please refer to *Appendix G, Noise*
12 *Analysis Data*. These parameters determine the projected impact of vehicular traffic noise
13 and include the roadway cross-section (e.g., number of lanes), roadway width, average daily
14 traffic, vehicle travel speed, percentages of auto and truck traffic, roadway grade, angle-of-
15 view, and site conditions (“hard” or “soft”). The model does not account for ambient noise
16 levels (i.e., noise from adjacent land uses) or topographical differences between the roadway

1 and adjacent land uses. Noise projections are based on modeled vehicular traffic as derived
 2 from ADT calculations provided in the Traffic Impact Analysis Report, dated May 12, 2010,
 3 prepared by RBF Consulting. The posted speed limits are 25 mile per hour for local streets
 4 and 35 miles per hour for major streets throughout the Project area. Existing modeled traffic
 5 noise levels can be found in *Table 4.11-3: Existing Traffic Noise Levels*.

6 Table 4.11-3: Existing Traffic Noise Levels

Roadway Segment	ADT	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)		
			60 Ldn Noise Contour	65 Ldn Noise Contour	70 Ldn Noise Contour
Ash Street					
Columbia Street to State Street	11,660	62.1	201	64	20
State Street to Union Street	12,100	62.3	209	66	21
Union Street to Front Street	13,474	62.7	232	73	23
Front Street to First Avenue	14,847	63.2	256	81	26
A Street					
Columbia Street to State Street	8,740	60.9	151	48	15
State Street to Union Street	8,422	60.7	145	46	15
Union Street to Front Street	11,462	62.0	198	62	20
Front Street to First Avenue	12,630	62.5	218	69	22
B Street					
Columbia Street to State Street	4,812	58.3	83	26	8
State Street to Union Street	4,994	58.4	86	27	9
Union Street to Front Street	3,536	56.9	61	19	6
C Street					
Columbia Street to State Street	1,100	51.9	19	6	2
Broadway					
Kettner Boulevard to India Street	14,070	62.9	242	77	24
Union Street to Front Street	16,130	63.5	278	88	28
Front Street to First Avenue	20,754	64.6	358	113	36
State Street					
Ash Street to A Street	2,190	54.9	38	12	4
B Street to C Street	3,800	57.2	66	21	7

Table 4.11-3: Existing Traffic Noise Levels, continued

Roadway Segment	ADT	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)		
			60 Ldn Noise Contour	65 Ldn Noise Contour	70 Ldn Noise Contour
C Street to Broadway	3,221	56.5	56	18	6
Front Street					
Ash Street to A Street	16,025	63.5	277	87	28
A Street to B Street	14,532	63.1	250	79	25
First Avenue					
Ash Street to A Street	19,860	64.4	343	108	34
A Street to B Street	15,849	63.4	273	86	27

ADT = average daily trips; dBA = A-weighted decibels; Ldn = the day/night average sound level

Source: RBF Consulting, Traffic Impact Analysis Report, dated July 2010.

1 4.11.2 Analytical Framework

2 4.11.2.1 Analytical Methodology

3 Analysts collected three short-term (10-minute) noise measurements to characterize ambient
4 noise conditions in the Project vicinity. *Table 4.11-2: Summary of Existing Noise Measurements,*
5 *lists noise measurement locations, noise levels, and noise sources. Figure 4.11-2: Noise*
6 *Measurement Locations,* shows where the noise measurements were recorded. Noise
7 measurements were recorded on May 18, 2010. Meteorological conditions consisted of a
8 clear sunny day, with temperatures approximately 65 degrees Fahrenheit, wind speeds
9 approximately five miles per hour, and a barometric pressure of 30.06 inches.

10 Noise monitoring equipment consisted of a Larson Davis Laboratories Model LDL 820
11 sound level analyzer equipped with a Larson Davis Free Field Model 2561 microphone and
12 Preamp Model PRM828. Analysts calibrated the instrumentation prior to use with a Larson
13 Davis Model CA250 acoustical calibrator to ensure the accuracy of the measurements, which
14 complies with applicable requirements of the American National Standards Institute for
15 Type I (precision) sound level meters. The microphone, covered by the windscreen, was on
16 top of a tripod at an approximate height of five feet above ground surface.

1 *Cumulative Analysis*

2 The analysis of cumulative mobile noise is a two-step process. First, the analysis compares
3 the combined effects of the proposed Project and other projects. Second, for combined
4 effects that are determined to be cumulatively significant, the analysis evaluates the Project's
5 incremental effects. The combined effect compares the "cumulative with Project" condition
6 to "existing" conditions. The Project's contribution to a cumulative traffic noise increase will
7 be significant when the combined effect exceeds perception level (i.e., auditory level
8 increase) threshold. This comparison accounts for the traffic noise increase from the Project
9 generated in combination with traffic generated by projects included in the cumulative
10 projects list.

11 4.11.2.2 Regulatory Background

12 Federal, State, and local agencies regulate different aspects of environmental noise. Noise
13 regulations established at different administrative levels are described below.

14 *State*

15 The State of California Office of Planning and Research *Noise Element Guidelines* include
16 recommended interior and exterior level standards for local jurisdictions to identify and
17 prevent the creation of incompatible land uses due to noise. The Guidelines describe the
18 compatibility of various land uses with a range of environmental noise levels in terms of
19 dBA CNEL.

20 A noise environment of 50 dBA CNEL to 60 dBA CNEL is considered to be "normally
21 acceptable" for residential uses. The State indicates that locating residential units, parks, and
22 institutions (such as churches, schools, libraries, and hospitals) in areas where exterior
23 ambient noise levels exceed 65 dBA CNEL is undesirable. The Office of Planning and
24 Research recommendations also note that, under certain conditions, more restrictive
25 standards than the maximum levels cited may be appropriate. As an example, the standards
26 for quiet suburban and rural communities may be reduced by 5 to 10 dB to reflect their
27 lower existing outdoor noise levels in comparison with urban environments.

28 In addition, Title 25, Section 1092 of the California Code of Regulations, sets forth
29 requirements for the insulation of multiple-family residential dwelling units from excessive
30 and potentially harmful noise. Whenever multiple-family residential dwelling units are
31 proposed in areas with excessive noise exposure, the developer must incorporate
32 construction features into the building's design that reduce interior noise levels to 45 dBA
33 CNEL.

1 *Local*

2 Local regulation of noise involves implementation of general plan policies and noise
 3 ordinance standards. Local general plans identify general principles intended to guide and
 4 influence development plans. General plans recognize different sensitivities toward the
 5 noise environment for different types of land uses. Residential areas are generally
 6 considered the most sensitive type of land use to noise, and industrial/commercial areas are
 7 generally considered the least sensitive. Noise ordinances set the specific standards and
 8 procedures for addressing particular noise sources and activities. Local noise ordinances
 9 typically set standards related to construction, nuisance-type noise sources, and noise levels
 10 at the industrial property line. The City of San Diego noise regulations and standards apply
 11 to the land uses near the Project site.

12 City of San Diego General Plan

13 The City has adopted noise compatibility guidelines for various land uses that are contained
 14 in the Noise Element of the General Plan. As shown in *Table 4.11-4: Land Use – Noise*
 15 *Compatibility Guidelines (City General Plan Noise Standards)*, the General Plan considers a
 16 noise environment of up to 65 L_{dn} compatible for office uses which is the category most
 17 similar to the courthouse. A noise environment of up to 75 L_{dn} is allowed for new
 18 development of these types of uses only when a detailed analysis of noise reduction
 19 requirements has been conducted and the best practicable and available noise insulation
 20 features have been incorporated into the Project design.

21 Table 4.11-4: L and Use – Noise C ompatibility Guidelines (City General Plan Noise Standards)

Land Use Category	Exterior Noise Exposure			
	60	65	70	75
Open Space and Parks and Recreational				
Community & Neighborhood Parks, Passive Recreation				
Regional Parks, Outdoor Spectator Sports, Golf Courses, Athletic Fields, Outdoor Spectator Sports, Water Recreational Facilities, Horse Stables, Park Maintenance Facilities				
Agricultural				
Crop Raising & Farming, Aquaculture, Dairies, Horticulture Nurseries & Greenhouses, Animal Raising, Maintain & Keeping, Commercial Stables				
Residential				
Single Units, Mobile Homes, Senior Housing		45		

ENVIRONMENTAL EFFECTS

Table 4.11-4: Land Use – Noise Compatibility Guidelines (City General Plan Noise Standards), continued

Land Use Category	Exterior Noise Exposure			
	60	65	70	75
Multiple Units, Mixed-Use Commercial/Residential, Live Work, Group Living Accommodations, <i>*For uses affected by aircraft noise, refer to Policies NE-D.2 & NE-D.3</i>		45	45*	
Institutional				
Hospitals, Nursing Facilities, Intermediate Care Facilities, Kindergarten through Grade 12 Educational Facilities, Libraries, Museums, Places of Worship, Child Care Facilities		45		
Vocational or Professional Educational Facilities, Higher Education Institution Facilities (Community or Junior Colleges, Colleges, or Universities)		45	45	
Cemeteries				
Sales				
Building Supplies/Equipment, Food, Beverages & Groceries, Pets & Pet Supplies, Sundries, Pharmaceutical, & Convenience Sales, Wearing Apparel and Accessories			50	50
Commercial Services				
Building Services, Business Support, Eating & Drinking, Financial Institutions, Assembly & Entertainment, Radio & Television Studios, Golf Course Support			50	50
Visitor Accommodations		45	45	45
Offices				
Business & Professional, Government, Medical, Dental & Health Practitioner, Regional & Corporate Headquarters			50	50
Vehicle and Vehicular Equipment Sales and Services Use				
Commercial or Personal Vehicle Repair & Maintenance, Commercial or Personal Vehicle Sales & Rentals, Vehicle Equipment & Supplies Sales & Rentals, Vehicle Parking				
Wholesale, Distribution, Storage Use Category				
Equipment & Materials Storage Yards, Moving & Storage Facilities, Warehouse, Wholesale Distribution				
Industrial				
Heavy Manufacturing, Light Manufacturing, Marine Industry, Trucking & Transportation Terminals, Mining & Extractive Industries				
Research & Development			50	

Table 4.11-4: Land Use – Noise Compatibility Guidelines (City General Plan Noise Standards), continued

	Compatible	Indoor Uses	Standard construction methods should attenuate exterior noise to an acceptable indoor noise level. Refer to Section 1.
		Outdoor Uses	Activities associated with the land use may be carried out.
	Conditionally Compatible	Indoor Uses	Building structure must attenuate exterior noise to the indoor noise level indicated by the number for occupied areas. Refer to Section 1.
		Outdoor Uses	Feasible noise mitigation techniques should be analyzed and incorporated make the outdoor activities acceptable. Refer to Section 1.
	Incompatible	Indoor Uses	New construction should not be undertaken.
		Outdoor Uses	Severe noise interference makes outdoor activities unacceptable.

1 The City’s General Plan recognizes noise pollution as a significant source of environmental
2 degradation and identifies community noise goals and policies to reduce noise pollution.
3 Many of the goals and policies address new residential development. The General Plan
4 goals and policies are:

5 Goal

6 Consider existing and future noise levels when making land use planning decisions to
7 minimize people’s exposure to excessive noise.

8 *Policies*

- 9 ▪ NE-A.1. Separate excessive noise-generating uses from residential and other noise-
10 sensitive land uses with a sufficient spatial buffer of less sensitive uses.
- 11 ▪ NE-A.2. Assure the appropriateness of proposed developments relative to existing
12 and future noise levels by consulting the guidelines for noise-compatible land use
13 (shown on *Table 4.11-4*) to minimize the effects on noise-sensitive land uses.
- 14 ▪ NE-A.3. Limit future residential and other noise-sensitive land uses in areas exposed
15 to high levels of noise.
- 16 ▪ NE-A.4. Require an acoustical study consistent with Acoustical Study Guidelines for
17 proposed developments in areas where the existing or future noise level exceeds or
18 would exceed the “compatible” noise level thresholds as indicated on the Land Use -
19 Noise Compatibility Guidelines (*Table 4.11-4*), so that noise mitigation measures can
20 be included in the Project design to meet the noise guidelines.
- 21 ▪ NE-A.5. Prepare noise studies to address existing and future noise levels from noise
22 sources that are specific to a community when updating community plans.

1 City of San Diego Noise Ordinance

2 The Municipal Code includes prohibited activities and noise standards that apply to the
 3 City’s approval of projects in the vicinity of the AOC’s Project.

4 59.5.0401 - Sound Level Limits

5 a) It shall be unlawful for any person to cause noise by any means to the extent that the
 6 one-hour average sound level exceeds the applicable limit given in *Table 4.11-5: Table*
 7 *of Applicable Limits – San Diego Municipal Code*, at any location in the City of San
 8 Diego on or beyond the boundaries of the property on which the noise is produced.
 9 The noise subject to these limits is that part of the total noise at the specified location
 10 that is due solely to the action of said person.

11 Table 4.11-5: T able of Applicable L imits – San Diego M unicipal Code

Land Use	Time of Day	One-Hour Average Sound Level Decibels
1. Single-Family Residential	7 AM to 7 PM	50
	7 PM to 10 PM	45
	10 PM to 7 AM	40
2. Multi-Family Residential (Up to a maximum density of 1/2000)	7 AM to 7 PM	55
	7 PM to 10 PM	50
	10 PM to 7 AM	45
3. All other Residential	7 AM to 7 PM	60
	7 PM to 10 PM	55
	10 PM to 7 AM	50
4. Commercial	7 AM to 7 PM	65
	7 PM to 10 PM	60
	10 PM to 7 AM	60
5. Industrial or Agricultural	Anytime	75

12 b) The sound level limit at a location on a boundary between two zoning districts is the
 13 arithmetic mean of the respective limits for the two districts. Permissible
 14 construction noise level limits shall be governed by Sections 59.5.0404 of this Chapter
 15 5, Article 9.5, Division 4.

16 59.5.0404 - Construction Noise

17 (a) It shall be unlawful for any person, between the hours of 7:00 PM of any day and
 18 7:00 AM of the following day, or on legal holidays as specified in Section 21.04 of the

1 San Diego Municipal Code, with exception of Columbus Day and Washington's
2 Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair
3 any building or structure in such a manner as to create disturbing, excessive or
4 offensive noise unless a permit has been applied for and granted beforehand by the
5 Noise Abatement and Control Administrator. In granting such permit, the
6 Administrator shall consider whether the construction noise in the vicinity of the
7 proposed work site would be less objectionable at night than during the daytime
8 because of different population densities or different neighboring activities; whether
9 obstruction and interference with traffic particularly on streets of major importance,
10 would be less objectionable at night than during the daytime; whether the type of
11 work to be performed emits noises at such a low level as to not cause significant
12 disturbances in the vicinity of the work site; the character and nature of the
13 neighborhood of the proposed work site; whether great economic hardship would
14 occur if the work were spread over a longer time; whether proposed night work is in
15 the general public interest; and, shall prescribe such conditions, working times, types
16 of construction equipment to be used, and permissible noise levels as he deems to be
17 required in the public interest.

18 (b) Except as provided in Subsection C hereof, it shall be unlawful for any person,
19 including The City of San Diego, to conduct any construction activity so as to cause,
20 at or beyond the property lines of any property zoned residential, an average sound
21 level greater than 75 decibels during the 12-hour period from 7:00 AM to 7:00 PM.

22 (c) The provisions of Subsection B of this section shall not apply to construction
23 equipment used in connection with emergency work, provided the Administrator is
24 notified within 48 hours after commencement of work.

25 4.11.3 Standards of Significance

26 The AOC considers an impact to be significant if the Project will:

- 27 ■ Cause a 5 dBA permanent increase in ambient noise levels or generate noise levels in
28 excess of standards established in the local general plan, noise ordinance, or
29 applicable standards of other agencies. For evaluation of cumulative noise impacts, if
30 the "Future With Project" causes a 5 dBA increase in noise over the "Existing Plus
31 Cumulative Without Project" noise level and the AOC's Project contributes 1 dBA of
32 the cumulative 5 dBA increase, the AOC will consider the Project's contribution to be
33 significant;
- 34 ■ Cause a substantial temporary or periodic increase in ambient noise levels in the
35 Project vicinity above levels that would exist without the Project;

- 1 ▪ Generate excessive ground-borne vibration or ground-borne noise levels; or,
- 2 ▪ Expose people residing or working in the Project area to excessive noise levels from
- 3 a public airport, public use airport, or private airstrip.

4 4.11.4 Potential Impacts and Mitigation Measures

5 4.11.4.1 Permanent Noise

6 **Potential Impact:** (N-1) Will the Project cause a substantial permanent increase in
7 ambient noise levels or generate noise levels in excess of standards
8 established in the local general plan, noise ordinance, or applicable standards
9 of other agencies?

10 **Less than Significant Impact.**

11 *Building Equipment Noise*

12 The City’s noise ordinance (Section 59.5.0401 of the Municipal Code) specifies the maximum
13 sound level for commercial land uses. The one-hour average sound level (Leq) produced by
14 commercial land uses must not exceed 65 dB during daytime hours or 60 dB during
15 nighttime hours as measured at the property line of any other adjoining commercial zoning
16 district. If commercial land uses are adjacent to any noise-sensitive land uses, they must
17 comply with the performance standards contained in Section 59.5.0401(b) and Section
18 59.5.0404(c).

19 The General Plan identifies degrees of acceptable usage for new development depending on
20 land use and noise levels (measured as decibels or dB), as shown in *Table 4.11-4: Land Use –*
21 *Noise Compatibility Guidelines (City General Plan Noise Standards)*. These noise levels are based
22 on daily averages with more weight in the averages for nighttime noise. The Project will be
23 adjacent to a hotel, office buildings, commercial and professional businesses, a courthouse,
24 and other governmental offices. Taking into account the nearby land uses, this table can be
25 used as a guide for evaluating significance thresholds.

26 As shown in *Table 4.11-5: Table of Applicable Limits – San Diego Municipal Code*, the City of San
27 Diego’s normally acceptable maximum allowable ambient noise exposure for office
28 buildings is 65 Ldn. The courthouse will generate some noise from heating, ventilating, and
29 air conditioning mechanical equipment that is typical of the equipment used in the
30 surrounding office buildings and hotels in the Project vicinity. Since the mechanical
31 equipment will be typical for office buildings, the AOC does not expect the equipment’s
32 noise generation to exceed 50 Ldn at a distance of 100 feet. In addition, much of the

1 equipment will be at the top of the new courthouse, which will reduce the noise impacts.
2 Also, the Project will remove the County Courthouse, the Old Jail, and the Stahlman Block's
3 existing buildings and their equipment and the related noise. Therefore, sound from the
4 Project's mechanical equipment will not produce a substantial increase in ambient noise
5 levels.

6 In addition, as discussed below under *Operational Traffic Noise*, the Project's traffic will not
7 generate a substantial permanent increase in traffic-related noise. Therefore, any Project-
8 related permanent increase in ambient noise, either from operational uses or traffic
9 generation, will be less than significant.

10 *Operational Traffic Noise*

11 The proposed Project will result in an increase of 134 average daily trips (a.m. peak trips)
12 within the vicinity of the Project area. *Table 4.11-6: Future Noise Scenarios*, compares the
13 "Future Without Project" scenario to the "Future With Project" scenario and depicts what
14 would typically be heard 100 feet perpendicular to the roadway centerline. As indicated in
15 *Table 4.11-6* under the "Future Without Project" scenario, noise levels at a distance of 100
16 feet from the centerline would range from approximately 52.4 dBA to 64.9 dBA. The highest
17 noise levels under the "Future Without Project" conditions occur along Broadway (between
18 Front Street and First Avenue). Under the "Future With Project" scenario, noise levels at a
19 distance of 100 feet from the centerline would range from approximately 52.9 dBA to 64.9
20 dBA, the highest noise levels occurring along the same roadway segment as the "Future
21 Without Project" condition. The highest noise level increase would be 0.5 dBA along C
22 Street, and the AOC considers the impact to be less than significant.

23 *Table 4.11-10: Existing Plus Cumulative Plus Project Noise Scenarios*, lists the traffic noise effects
24 along roadway segments in the Project vicinity for "Existing Without Project," "Future
25 Without Project," and "Future With Project," including incremental and net cumulative
26 impacts. Based on the an evaluation of the difference between "Existing Without Project"
27 and "Cumulative With Project, the Project's Ash Street traffic noise between Columbia
28 Street and State Street traffic will have the highest increase in traffic noise levels in the
29 Project area (0.7 dBA). Since this increase is below the AOC's threshold and will not be
30 perceptible, cumulative impacts will be less than significant.

31 Mitigation Measures: None Required.

Table 4.11-6: Future Noise Scenarios

Roadway Segment	Future Without Project dBA Ldn @ 100 Feet from Roadway Centerline	Future With Project dBA Ldn @ 100 Feet from Roadway Centerline	Difference In dBA between “Future Without Project” and ‘Future With Project’	Significant Impact?
Ash Street				
Columbia Street to State St	62.8	62.8	0.0	No
State Street to Union Street	62.5	62.5	0.0	No
Union Street to Front Street	62.9	63.0	0.1	No
Front Street to First Avenue	63.4	63.4	0.2	No
A Street				
Columbia Street to State St	61.2	61.2	0.0	No
State Street to Union Street	61.0	61.1	0.1	No
Union Street to Front Street	62.3	62.4	0.1	No
Front Street to First Avenue	62.7	62.8	0.1	No
B Street				
Columbia Street to State St	58.6	58.7	0.1	No
State Street to Union Street	58.8	58.9	0.1	No
Union Street to Front Street	57.4	57.5	0.1	No
C Street				
Columbia Street to State St	52.4	52.9	0.5	No
Broadway				
Kettner Blvd to India St	63.3	63.3	0.0	No
Union Street to Front Street	63.8	63.8	0.0	No
Front Street to First Avenue	64.9	64.9	0.0	No
State Street				
Ash Street to A Street	55.3	55.3	0.0	No
B Street to C Street	57.3	57.7	0.4	No
C Street to Broadway	56.9	56.9	0.0	No

Table 4.11-6: Future Noise Scenarios, continued

Roadway Segment	Future Without Project dBA Ldn @ 100 Feet from Roadway Centerline	Future With Project dBA Ldn @ 100 Feet from Roadway Centerline	Difference In dBA between “Future Without Project” and “Future With Project”	Significant Impact?
Front Street				
Ash Street to A Street	63.6	63.7	0.1	No
A Street to B Street	63.1	63.1	0.0	No
First Street				
Ash Street to A Street	64.5	64.5	0.0	No
A Street to B Street	63.5	63.5	0.0	No

1 4.11.4.2 Temporary or Periodic Noise

2 **Potential Impact:** (N-2) Will the Project produce a substantial temporary or periodic
3 increase in ambient noise levels in the Project vicinity above levels existing
4 without the Project?

5 **Significant Impact Despite Mitigation.**

6 As explained earlier, the State of California is not subject to local governments’ planning
7 and zoning requirements or municipal codes and ordinances, but the AOC is coordinating
8 closely with the City and CCDC to ensure that the Project is generally compatible with local
9 plans and policies. Like the AOC, the City has recognized that noise from construction is
10 temporary, is an inevitable part of construction activities that are necessary for
11 development, will occur in the least noise-sensitive times of the day, and will not result in a
12 permanent increase in ambient noise levels.

13 As stated earlier, construction activities will typically occur during the hours from 7:00 AM
14 to 4:00 PM on weekdays (although it is possible that some construction activities might
15 continue until 7:00 PM) and 9:00 AM to 4:00 PM on Saturdays. In order to shorten the
16 duration of the overall construction process, the AOC plans to perform construction
17 demolition and excavation activities from 6:00 AM to 10:00 PM. Truck hauling of excavated
18 material will typically end at approximately 8:00 PM. As explained earlier, the AOC will
19 coordinate with the CCDC and City to perform any such activities in a manner that is
20 generally compatible with the City's noise standards.

21 It is anticipated that construction of the proposed Project will commence in 2014 and end in
22 2016. Potential noise impacts associated with construction of the proposed Project will

1 typically occur in several distinct phases, and each phase has individual noise
2 characteristics.

3 The site preparation phase and the demolition phase are generally the noisiest phases of
4 construction and have the shortest duration. Activities that occur during these phases
5 include earth and debris moving and hauling as well as compacting of soils. High noise
6 levels occur during this phase from the operation of heavy-duty trucks, cranes, backhoes,
7 and front-end loaders. The noise levels indicated in *Table 4.11-7: Typical Noise Levels from*
8 *Construction Equipment*, represent the typical noise levels associated with construction
9 equipment that will operate on-site. *Table 4.11-7: Typical Noise Levels from Construction*
10 *Equipment*, lists typical maximum noise levels of common construction machines and *Table*
11 *4.11-9: Typical Vibration Levels for Construction Equipment*, lists noise levels for construction
12 operations with more than one piece of construction equipment in operation at a time for
13 various phases of construction.

14 The AOC will implement the following BMPs as part of the construction of the proposed
15 Project:

- 16 • Designate a Project contact person to communicate with the San Diego community
17 and interested stakeholders regarding construction activities;
- 18 • Inform the San Diego community and interested stakeholders through the use of a
19 monthly newsletter that identifies the construction schedule and upcoming
20 construction activities;
- 21 • As part of the public outreach efforts, designate a “noise coordinator” for the Project
22 to meet with interested stakeholders and respond to complaints concerning
23 construction noise;
- 24 • Equip construction equipment with the best available noise attenuation device, such
25 as mufflers or noise attenuation shields;
- 26 • Install sound barriers (such as plywood barriers or noise attenuation blankets)
27 around of the perimeter of the Project site along Union Street and portions of State
28 Street, opposite the W Hotel and the adjacent single-story commercial building; and,
- 29 • When feasible, use electric construction power in lieu of diesel-powered generators
30 to provide adequate power for man/material hoisting, cranes, and general
31 construction operations.

32 The Project’s construction operations will include the following noise impacts:

- 33 • Excavation of the basement for the court building will require operation of
34 excavators, loaders, and trucks. The operations will occur in an area that is
35 approximately 20 feet to 250 feet east of the west side of State Street, which is
36 approximately 20 feet to 250 feet west of the west side of Union Street. Due to

1 location of the excavation operations, the AOC expects excavation noise to generate
2 approximately 80 dBA (at a distance of 100 feet) during ground-level excavation
3 operations; refer to *Table 4.7-8, Outdoor Construction Noise*. Since the excavation
4 operations will lower the topographical elevation of the construction site, the sides of
5 the lowered elevation area will act as a sound barrier to attenuate noise. The Project's
6 perimeter sound barrier will also attenuate the noise of excavation operations.
7 However, excavation-related noise levels at the W Hotel and Superior Court will
8 exceed 75 dBA, and the AOC considers this impact to be significant;

9 • During excavation haul trucks will export excess soil away from the Project site to a
10 disposal site at the Otay Landfill.² The AOC expects trucks to exit Interstate 5 at the
11 Front Street exit and approach the Project site via Cedar Street, Union Street, and B
12 Street. Trucks will exit onto B Street and will return to Interstate 5 via State Street, A
13 Street, and 5th Avenue to the 5th Avenue freeway on-ramp. A truck traveling down
14 the street can generate a 71 dBA L_{eq} noise level at 50 feet. Since the loaded trucks
15 traveling on State Street, A Street, and 5th Avenue will travel through commercial
16 areas, there will likely be few sensitive receptors. Therefore, the AOC concludes that
17 the trucks' noise impacts on the outbound route will be less than significant;

18 • The empty trucks traveling on Front Street between Date Street and Beech Street to
19 the Project site will travel past the Doubletree Hotel and residential complexes. Since
20 the trucks will be empty and Front Street has a downhill slope between Date Street
21 and Beech Street, the truck operators will need much lower engine power to
22 accelerate and cruise than loaded trucks. Therefore, the trucks will generate less
23 noise than typical operations. AOC concludes that the trucks' noise impacts on the
24 return route will be less than significant;

25 • Trenching operations for utility relocation will occur around the periphery of the
26 proposed courthouse site, and construction personnel will probably utilize
27 jackhammers and backhoes to gain access to existing utilities and prepare
28 alignments for new utilities. As noted in Table 3-1, the AOC expects utility relocation
29 operations to require approximately two months of work, but excavation operations
30 for the relocation will occur for only a very small amount of this time. Operations
31 will probably occur along between B Street and C Street and along B Street between
32 State Street and Union Street. Excavation work for trenches in these locations will
33 require only one or two days of work and during this time, the use of jackhammers
34 and backhoes will be sporadic and last for only several minutes at a time;

35 • Foundation operations for the Project's tower will occur in the excavated basement
36 area. As stated previously, foundation construction operations will not include use

² Personal Communication: John McRitchie, Rudolph and Stetten, Inc. to Jerome Ripperda, Environmental Analyst, AOC, July 6, 2010.

1 of pile drivers. The distance to nearby receptors and the depth of the basements'
2 excavation area will attenuate noise from foundation operations;

- 3 • Assembly of the Project's steel frame and installation of its exterior will utilize one or
4 more cranes. Assembly of the courthouse's frame and exterior will generate sporadic
5 hammering sounds. As shown in *Table 4.11-9: Typical Vibration Levels for Construction*
6 *Equipment*, structural work can produce 83 dBA noise at 50 feet; however, most of
7 the building's structure will be more than 100 feet from the W Hotel and Superior
8 Court's noise-sensitive judicial facilities, and the structural work-related sounds will
9 be 77dBA or less at the outside walls of the buildings. Since the structural work-
10 related sounds will be intermittent and sporadic, will occur for only a limited time,
11 and the W Hotel's and County Courthouse's exterior walls will reduce receptors'
12 perception of the construction-related sound, the AOC considers the structural
13 work-related sound impacts to be less than significant. Once the construction
14 contractor assembles the building's walls, interior work will generate only minor
15 noise;
- 16 • Final grading of the site and installation of driveways, sidewalks, other hard
17 surfaces, and landscaping will occur over most of the Project site and will require
18 use of backhoe tractors, light tractors equipped with graders, and concrete trucks;
19 however, the AOC expects that these operations will be low intensity and not
20 require high-power operation of the equipment or vehicles. The Project's perimeter
21 sound barrier will also reduce noise levels along the perimeter of the courthouse site;
22 and,
- 23 • Demolition of the County Courthouse and Old Jail will require operation of
24 excavators, loaders, trucks, and one or more cranes. The operations will occur in an
25 area that is approximately 65 feet to 265 feet west of the east side of Front Street. The
26 southern portion of the County Courthouse includes a seven-story tower on the west
27 side of Front Street, and the seven-story Sofia Hotel is on the east side of Front Street
28 directly opposite the courthouse's tower. Other commercial buildings are north of
29 the Sofia Hotel. Due to location of the demolition operations, the AOC expects
30 equipment noise may generate approximately 80 dBA (at a distance of 100 feet) at
31 the Sofia Hotel during demolition operations; refer to *Table 4.7-8, Outdoor*
32 *Construction Noise*. Since demolition-related noise levels at the Sofia Hotel may
33 exceed the AOC's 75 dBA threshold, the AOC considers this impact to be significant.
34 Noise levels at the other commercial buildings will be less than significant because
35 the cinder-block building adjacent to the Sofia Hotel has no windows and the
36 buildings adjacent to the Front Street/C Street intersection are over 100 feet from the
37 County Courthouse and support commercial uses.

1 Noise attenuation from the Project's perimeter sound barrier and the basement excavation's
2 walls will reduce construction-related noise levels at ground level, but the sound barriers
3 will provide no noise attenuation for sensitive receptors on floors above ground level.

4 The Project's BMPs will reduce noise, construction noise will be temporary and often
5 sporadic and will typically occur only during the least noise-sensitive hours specified by the
6 City's Municipal Code, and the surrounding land uses do not include sensitive receptors;
7 however, since the Project's excavation and demolition operations may exceed 75 dBA and
8 the exceedances for excavation operations may occur after 7:00 PM or between 6:00 AM and
9 7:00 AM, the AOC concludes that the Project's excavation-related and demolition-related
10 noise impacts will be potentially significant, and mitigation will be required to reduce
11 impacts. The noise impacts of the non-excavation and non-demolition operations will be
12 less than significant.

13 The Project site is greater than 800 feet away from the nearest residential zone property.³ As
14 shown in *Table 4.11-7* and *Table 4.11-8*, at a distance of 800 feet, the Project would be below
15 the City's noise limit of a 12-hour average of 75 dBA at the property lines of residentially
16 zoned properties. Potential impacts to residential zone properties will be less than
17 significant.

18 The Project will implement Mitigation Measure NOI-1 which will reduce noise levels
19 emitted from construction equipment. Despite implementation of the mitigation measure,
20 the AOC concludes that construction excavation and demolition noise impacts will remain
21 significant.

22 Table 4.11-7: Typical Noise Levels from Construction Equipment

Noise Level (dBA) /a/* 400 Feet	Noise Level (dBA) /a/*				
	50 Feet	100 Feet	200 Feet	400 Feet	800 Feet
Jackhammer	81-98	75-92	69-86	63-82	57-76
Pneumatic impact equipment	83-88	77-83	71-77	65-71	59-65
Trucks	82-95	76-89	70-83	64-77	58-71
Backhoe	73-95	67-89	61-83	56-77	50-71
Cranes (moveable)	75-88	69-82	63-76	57-70	51-64
Front loader	73-86	67-80	61-74	56-68	50-62
Concrete mixer	75-88	69-82	63-76	57-70	51-64

Note: /a/ assumes a 6-dBA decline for noise generated by a "point source" and traveling over hard surfaces.

***Source:** City of Los Angeles. 2003. L.A. CEQA Thresholds Guide. Los Angeles, CA for 50 feet and 100 feet. columns. Calculations of noise levels for 200 feet, 400 feet, and 800 feet columns assume that dBA decline by 6 dBA with doubling of the distance between noise source and receptor.

³ The City's Centre City Zoning Map can be reviewed at the following link: <http://www.sandiego.gov/development-services/zoning/pdf/maps/grid15.pdf>

1 Table 4.11-8: Outdoor Construction Noise Levels

Construction Phase	Noise Level (dBA)*				
	50 Feet	100 Feet	200 Feet	400 Feet	800 Feet
Grading/excavation	86	80	74	68	62
Foundations	77	71	65	59	53
Structural	83	77	71	65	59
Finishing	86	82	76	70	64

*Source: City of Los Angeles. 2003. L.A. CEQA Thresholds Guide. Los Angeles, CA for 50 feet and 100 feet columns. Noise levels for 100 feet, 200 feet, 400 feet, and 800 feet columns calculated from the assumption that dBA decline by 6 dBA with doubling of the distance between noise source and receptor.

2 Mitigation Measures:

3 NOI-1 Prior to site mobilization, the following shall be demonstrated to the AOC
4 and noted on construction bid documents:

- 5 • All construction equipment shall have properly operating and maintained mufflers
6 and other State-required noise attenuation devices;
- 7 • The AOC’s construction contractor shall post notices, legible at a distance of 50 feet, at
8 the Project construction site. All notices shall indicate the dates and duration of
9 construction activities, as well as provide a contact name and a telephone number
10 where residents can inquire about the construction process and register complaints;
- 11 • The AOC’s construction contractor shall designate a Noise Disturbance Coordinator
12 and make the coordinator responsible for responding to any local complaints about
13 construction noise. When a complaint is received, the Noise Disturbance Coordinator
14 shall immediately determine the cause of the noise complaint (e.g., starting too early,
15 bad muffler, etc.) and shall implement reasonable measures to resolve the complaint;
16 and,
- 17 • Where feasible during construction, the construction contractor shall place stationary
18 construction equipment in locations where the emitted noise is away from sensitive
19 noise receivers.

20 4.11.4.3 Vibration

21 **Potential Impact:** (N-3) Will the Project generate excessive ground-borne vibration or
22 ground-borne noise levels?

23 **Less Than Significant Impact.**

24 Project construction can generate varying degrees of ground-borne vibration, depending on
25 the construction procedure and the construction equipment used. Operation of construction

1 equipment generates vibrations that spread through the ground and diminish in amplitude
 2 with distance from the source. The effect on buildings located in the vicinity of the
 3 construction site often varies depending on soil type, ground strata, and construction
 4 characteristics of the receiver building(s). The results from vibration can range from no
 5 perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible
 6 vibration at moderate levels, to slight damage at the highest levels. Ground-borne
 7 vibrations from construction activities rarely reach levels that damage structures.

8 The types of construction vibration impact include human annoyance and building
 9 damage. Human annoyance occurs when construction vibration rises significantly above
 10 the threshold of human perception for extended periods of time. Building damage can be
 11 cosmetic or structural. Ordinary buildings that are not particularly fragile would not
 12 experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This
 13 distance can vary substantially depending on the soil composition and underground
 14 geological layer between vibration source and receiver. In addition, not all buildings
 15 respond similarly to vibration generated by construction equipment. The vibration
 16 produced by construction equipment is illustrated in *Table 4.11-9: Typical Vibration Levels for*
 17 *Construction Equipment*.

18 Table 4.11-9: Typical Vibration Levels for Construction Equipment

Equipment	Approximate peak particle velocity at 25 feet (inches/second)	Approximate peak particle velocity at 75 feet (inches/second)
Large bulldozer	0.089	0.017
Loaded trucks	0.076	0.015
Small bulldozer	0.003	0.001
Jackhammer	0.035	0.007

Notes:

1 - Peak particle ground velocity measured at 25 feet unless noted otherwise.

2 - Root mean square amplitude ground velocity in decibels (VdB) referenced to 1 micro-inch/second.

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Guidelines*, May 2006.

19 Ground-borne vibration decreases rapidly with distance. Based on the Federal Transit
 20 Administration (FTA) data presented in *Table 4.11-9: Typical Vibration Levels for Construction*
 21 *Equipment*, projected vibration velocities from typical heavy construction equipment
 22 operation range from 0.003 to 0.089 inch-per-second peak particle velocity (PPV) at 25 feet
 23 from the source of activity. At 75 feet from the source activity, vibration velocities range
 24 from 0.001 to 0.017 inch-per-second peak PPV. For the proposed Project, ground-borne
 25 vibration will occur primarily during site clearing, excavation, and grading activities and by
 26 off-site haul-truck travel. The closest occupied structures with a daytime use are
 27 approximately a minimum of 75 feet from potential heavy construction activity. Since each

1 projected vibration value at 75 feet is below the 0.2 inch-per-second PPV significance
2 threshold, vibration impacts associated with Project construction will be less than
3 significant, and no mitigation measures are required.

4 **Potential Impact:** (N-4) Will the Project expose people residing or working in the Project
5 area to excessive noise levels from a public airport, public use airport,
6 or private airstrip?

7 **Less than Significant Impact.**

8 The Project is not located in the vicinity of a private airstrip. The Project's proposed
9 courthouse site is near the San Diego International Airport, which is approximately one mile
10 northwest of the Project site. The Project site is adjacent to the existing courthouse, which
11 already experiences increased noise levels associated with the San Diego International
12 Airport. The Project will not alter the existing operational uses of the courthouse. As such,
13 implementation of the Project will not increase the exposure to the existing noise associated
14 with the San Diego International Airport. Impacts will be less than significant, and no
15 mitigation is required.

16 Mitigation Measures: None required.

1 Table 4.11-10: Existing Plus Cumulative Plus Project Noise Scenarios

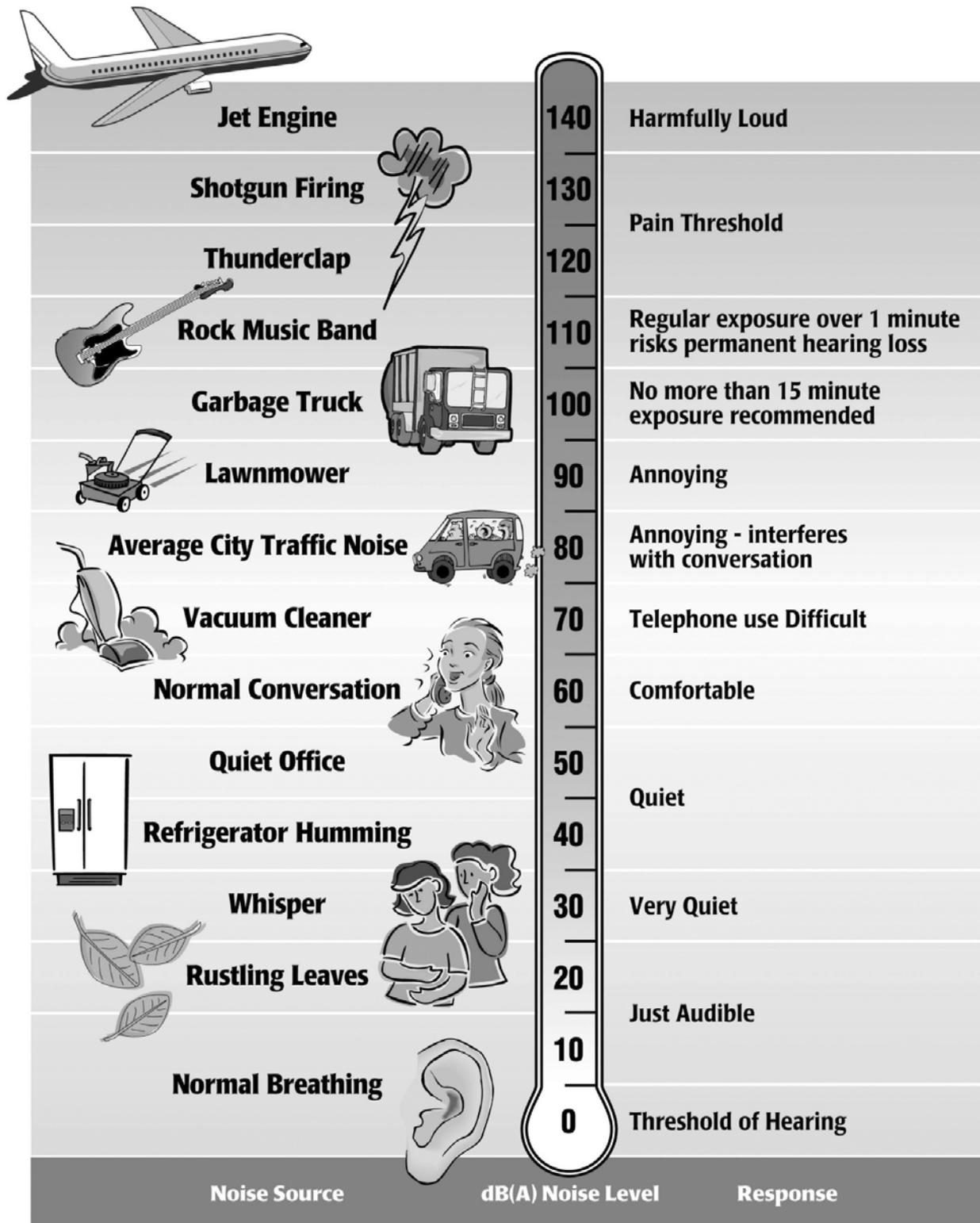
Roadway Segment		Existing Without Project	Cumulative Without Project	Cumulative With Project	Combined Effects	Incremental Effects	Cumulatively Significant Impact?
		dBA Ldn @ 100 Feet from Roadway Centerline	dBA Ldn @ 100 Feet from Roadway Centerline	dBA Ldn @ 100 Feet from Roadway Centerline	Difference In dBA Between "Existing Without Project" and "Cumulative With Project"	Difference In dBA between "Cumulative Without Project" and "Cumulative With Project"	
Ash Street	Columbia Street to State St	62.1	62.8	62.8	0.7	0.0	No
	State Street to Union Street	62.3	62.5	62.5	0.2	0.0	No
	Union Street to Front Street	62.7	62.9	63.0	0.3	0.1	No
	Front Street to First Avenue	63.2	63.4	63.4	0.2	0.2	No
A Street	Columbia Street to State St	60.9	61.2	61.2	0.3	0.0	No
	State Street to Union Street	60.7	61.0	61.1	0.4	0.1	No
	Union Street to Front Street	62.0	62.3	62.4	0.2	0.1	No
	Front Street to First Avenue	62.5	62.7	62.8	0.3	0.1	No
B Street	Columbia Street to State St	58.3	58.6	58.7	0.4	0.1	No
	State Street to Union Street	58.4	58.8	58.9	0.5	0.1	No
	Union Street to Front Street	56.9	57.4	57.5	0.5	0.1	No
C Street	Columbia Street to State St	51.9	52.4	52.9	1.0	0.5	No

Table 4.11-10: Existing Plus Cumulative Plus Project Noise Scenarios, continued

Roadway Segment		Existing Without Project	Cumulative Without Project	Cumulative With Project	Combined Effects	Incremental Effects	Cumulatively Significant Impact?
		dBA Ldn @ 100 Feet from Roadway Centerline	dBA Ldn @ 100 Feet from Roadway Centerline	dBA Ldn @ 100 Feet from Roadway Centerline	Difference In dBA Between “Existing Without Project” and “Cumulative With Project”	Difference In dBA between “Cumulative Without Project” and “Cumulative With Project”	
Broadway	Kettner Blvd to India St	62.9	63.3	63.3	0.4	0.0	No
	Union Street to Front Street	63.5	63.8	63.8	0.3	0.0	No
	Front Street to First Avenue	64.6	64.9	64.9	0.3	0.0	No
State Street	Ash Street to A Street	54.9	55.3	55.3	0.4	0.0	No
	B Street to C Street	57.2	57.3	57.7	0.5	0.4	No
	C Street to Broadway	56.5	56.9	56.9	0.4	0.0	No
Front Street	Ash Street to A Street	63.5	63.6	63.7	0.2	0.1	No
	A Street to B Street	63.1	63.1	63.1	0.0	0.0	No
First Street	Ash Street to A Street	64.4	64.5	64.5	0.1	0.0	No
	A Street to B Street	63.4	63.5	63.5	0.1	0.0	No

ADT = average daily trips; dBA = A-weighted decibels; Ldn = the day/night average sound level.

Source: Traffic Impact Analysis Report, dated July 2010.



Source:

Melville C. Branch and R. Dale Beland, *Outdoor Noise in the Metropolitan Environment*, 1970.

Environmental Protection Agency, *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (EPA/ONAC 550/9-74-004)*, March 1974.

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1 4.12 POPULATION AND HOUSING

2 This section evaluates the potential impacts of the Project in terms of population and
3 housing.

4 4.12.1 Environmental Setting

5 Between 2000 and 2009, the City's population grew by approximately 11% from 1,223,400
6 residents. In 2009, the City of San Diego had an estimated population of 1,353,993 residents.
7 In 2009, the number of housing units totaled 510,726, with 480,024 (or 94%) occupied and
8 30,702 (or 6%) vacant.¹

9 It is estimated that by the year 2050, the City's population will increase from 1,223,400 to
10 1,945,569 residents, representing a 49% increase from the year 2000. Similarly, a 44%
11 increase in housing is anticipated, with the total number of housing units increasing from
12 469,689 in 2000 to an estimated 722,280 by the year 2050. Reflecting this increase in
13 population and housing, the number of jobs will increase 22% from 777,600 in 2000 to an
14 estimated 1,042,649 by the year 2050.²

15 4.12.2 Analytical Framework

16 Analytical Methodology

17 To identify potential Project impacts for population and housing, a document review was
18 conducted to identify existing conditions in the City, and specifically, the downtown San
19 Diego area. Analysts reviewed the following documentation as part of the assessment and
20 EIR analysis:

- 21 • City of San Diego General Plan, Adopted March 2008;
- 22 • City of San Diego General Plan Final Program EIR, Certified September 2007;
- 23 • 2030 Regional Growth Forecast (Prepared by San Diego Association of
24 Governments, June 2004);
- 25 • 2030 Regional Growth Forecast Update (Prepared by San Diego Association of
26 Governments, July 2008, No. 2);

¹ *Fast Facts – City of San Diego*. San Diego Association of Governments. February 2010.

² *Fast Facts – City of San Diego*. San Diego Association of Governments. February 2010.

- 1 • 2050 Regional Growth Forecast Update (Prepared by San Diego Association of
2 Governments, February 26, 2010); and,
3 • *Fast Facts – City of San Diego*. San Diego Association of Governments. February
4 2010.

5 Regulatory Background

6 City of San Diego General Plan - Housing Element

7 The City of San Diego General Plan provides growth assumptions for the buildout of the
8 City over the next 20 years. The General Plan is intended to provide long-range guidance
9 and identifies the City’s economic, social, and environmental goals with regard to future
10 development. Refer also to Section 4.9, *Land Use and Planning*, for additional discussion of
11 anticipated future development within the City of San Diego.

12 The General Plan’s Housing Element establishes a number of goals and policies aimed at the
13 provision of adequate housing within the City of San Diego. The Element represents a five-
14 year plan with established objectives for the implementation of the goals and policies of the
15 Housing Element.

16 According to the City’s Draft Housing Element (2005-2010), the lack of affordable housing is
17 a particular concern. The underlying problems include a limited land supply available for
18 housing, infrastructure deficiencies, and community opposition or resistance to increased
19 density on available land. Gradually, an increase in development of multi-family housing
20 units at varying densities has occurred, but not enough has been built to satisfy the growing
21 demand. The single-family units being built are increasingly only for the high end of the
22 real estate market.

23 The Housing Element also indicates a dramatic increase in the pace of housing development
24 in the downtown San Diego area. Developers completed 6,344 units in downtown from
25 2001-2005 and had 4,623 units under construction in 2005. The City anticipates that the
26 population of downtown will rise from 27,000 in 2005 to 80,000 over the next 15-20 years.³

27 In October 2002, the City adopted a new element of the General Plan called the Strategic
28 Framework. This new element provides principles and guidelines for guiding San Diego’s
29 anticipated growth through 2020. The Strategic Framework Element provides a long-range
30 plan for the next 20 years in San Diego and addresses critical issues pertaining to
31 infrastructure adequacy and funding mechanisms, appropriate development densities, and
32 the relationship between economic growth and population growth. The Strategic

³ City of San Diego General Plan Housing Element FY2005-FY2010.

1 Framework Plan recommends a development concept referred to as “The City of Villages,”
2 which represents the foundation on which the current General Plan was prepared. The
3 concept calls for the City’s pedestrian-oriented residential and commercial areas, of various
4 scales, to be located in proximity to transit nodes. Future development patterns within the
5 City are expected to reflect the “villages” concept, where appropriate.

6 To address regional housing needs, the San Diego Association of Governments is
7 responsible for the preparation of the Regional Housing Needs Assessment. It adopted the
8 current Regional Housing Needs Assessment for the years 2005 to 2010 in February 2005.
9 The current Regional Housing Needs Assessment indicates that the City has adequate land
10 zoned and designated for housing to meet its Regional Housing Needs Assessment housing
11 supply goals for the 2005 to 2010 housing cycle. However, the Assessment indicates that it
12 will be necessary to rezone and redesignate more land to create capacity for additional
13 housing supply, particularly after 2015.

14 4.12.3 Standards of Significance

15 For purposes of evaluating impacts in this EIR, the AOC considers an impact to be
16 significant if the Project will:

- 17 • Potentially induce substantial growth either directly or indirectly; or,
- 18 • Displace a potentially significant amount of existing housing, especially
19 affordable housing.

20 4.12.4 Potential Impacts and Mitigation Measures

21 Population Growth

22 **Potential Impact:** (POP-1) Will the proposal potentially induce substantial growth either
23 directly or indirectly?

24 **No Impact.**

25 The Project site is in a highly urbanized area, and development of the site with courthouse-
26 related uses is generally consistent with the adopted plans and policies applicable to the
27 Project site. The Project will not induce substantial population growth or the construction of
28 additional housing. No impacts will occur.

1 Housing

2 **Potential Impact:** (POP-2) Will the proposal displace a potentially significant amount of
3 existing housing, especially affordable housing?

4 **No Impact.**

5 There is no residential housing located on the Project site, and therefore, no housing will be
6 displaced by the Project. No impacts will occur.

7

1 4.13 PUBLIC SERVICES

2 This section evaluates the Project's potential impacts on public services.

3 4.13.1 Environmental Setting

4 The Project site is in a highly urbanized area where public services are readily available and
5 within close proximity. The City of San Diego Fire-Rescue Department provides fire
6 protection services for the Project site. The Department serves an approximately 331 square-
7 mile area within the City boundaries, with 47 fire stations and nine permanent lifeguard
8 stations.¹

9 The Project site is within Fire District 1, and Fire Station 1, which is at 1222 First Avenue and
10 approximately 0.1 mile to the northeast of the Project site, will serve the new courthouse. A
11 second station, Fire Station 3, is at 725 West Kalmia Street, approximately 0.8 mile to the
12 northwest of the Project site, and provides additional fire protection or emergency services
13 if needed.

14 The City's Police Department provides law enforcement services within the City. The
15 Project site is within the City's Central Division, which supports three stations within the
16 Division's 9.7 square-mile service area. The Central Division's main station, at 2501 Imperial
17 Avenue, will serve the Project site. The Central Division serves an estimated population of
18 approximately 85,927 people.²

19 The Sheriff's Department, in combination with contracted private security personnel,
20 currently provides law enforcement services for the existing courthouse and will provide
21 similar law enforcement services for the New San Diego Central Courthouse. City Police
22 Department personnel also currently provide law enforcement services for the existing
23 courthouse, when needed, although such services are not part of courthouse security
24 responsibilities. City police officers will provide similar services once the new courthouse is
25 constructed, on an as-needed basis.

26 Due to the nature of the courthouse and the associated operational activities and occupants
27 (e.g., potentially convicted criminals), a number of other law enforcement and/or service
28 agencies may frequently utilize the court facilities. These agencies may include the City
29 and/or District Attorney, County Public Defender, County Child Support, California
30 Highway Patrol, County Public Health Division, County Human Services Agency, County

¹ City of San Diego Fire-Rescue Department. <http://www.sandiego.gov/fireandems/about/overview.shtml>. July 2010.

² City of San Diego Police Department. <http://www.sandiego.gov/police/about/index.shtml>. July 2010.

1 Mental Health Division/Office of Substance Abuse, County Probation Department, or other
2 public service responsibilities that involve interactions with the court and use of the court's
3 facilities in the City of San Diego.

4 4.13.2 Analytical Framework

5 4.13.2.1 Analytical Methodology

6 Analysts conducted a site reconnaissance and researched affected agencies to assess existing
7 public services conditions and to evaluate the potential impacts of the Project on public
8 systems. The AOC's evaluation of public systems on and near the proposed new Central
9 Courthouse Project included review of the following:

- 10 ▪ The General Plan – City of Villages (March 2008);
- 11 ▪ The General Plan Final Program EIR (September 2007); and,
- 12 ▪ Assessment of Project compliance with applicable Federal, State, and local legal
13 requirements with regard to public services.

14 4.13.2.2 Regulatory Background

15 Analysts conducted research and contacted agencies to identify existing and anticipated
16 conditions with regard to the provision of public services by the affected agencies.

17 *City of San Diego*

18 The Public Facilities, Services, and Safety Element of the City's General Plan states the
19 following policy:

20 D. Fire-Rescue

21 *Policies*

22 PF-D.1. Locate, staff, and equip fire stations to meet established response times. Response
23 time objectives are based on national standards. Add one minute for turnout time to all
24 response time objectives on all incidents.

- 25 ▪ Total response time for deployment and arrival of the first-in engine company for
26 fire suppression incidents should be within four minutes 90 percent of the time.
- 27 ▪ Total response time for deployment and arrival of the full first alarm assignment for
28 fire suppression incidents should be within eight minutes 90 percent of the time.

- 1 ▪ Total response time for the deployment and arrival of first responder or higher-level
2 capability at emergency medical incidents should be within four minutes 90 percent
3 of the time.
- 4 ▪ Total response time for deployment and arrival of a unit with advanced life support
5 (ALS) capability at emergency medical incidents, where this service is provided by
6 the City, should be within eight minutes 90 percent of the time.

7 4.13.3 Standards of Significance

8 For purposes of evaluating impacts in this EIR, the AOC considers an impact to be
9 significant if the Project will:

- 10 ▪ Result in substantial impacts associated with the provision of new or physically
11 altered governmental facilities to maintain acceptable service ratios, response times,
12 or other performance objectives for fire protection services;
- 13 ▪ Result in substantial impacts associated with the provision of new or physically
14 altered governmental facilities to maintain acceptable service ratios, response times,
15 or other performance objectives for police protection services; or,
- 16 ▪ Result in substantial impacts associated with the provision of new or physically
17 altered governmental facilities to maintain acceptable service ratios, response times,
18 or other performance objectives for schools, parks, or other public facilities.

19 4.13.4 Potential Impacts and Mitigation Measures

20 4.13.4.1 Fire Protection Services

21 **Potential Impact:** (UPS-1) Will the Project result in substantial impacts associated with
22 the provision of new or physically altered governmental facilities in order to
23 maintain acceptable service ratios, response times, or other performance
24 objectives for fire protection services?

25 **Less than Significant Impact.**

26 The Project site is within a highly urbanized area. The City currently provides fire
27 protection services to the existing uses on the site and to the existing courthouse.

28 Construction of the new Central Courthouse and demolition of the County Courthouse, Old
29 Jail, and buildings on the Stahlman Block do not represent a significant increase in intensity
30 of use over other high-rise building in the immediate vicinity of the Project and will not
31 create unacceptable service ratios. As noted above, two fire stations are within close

1 proximity to the Project site, and required response times can therefore be met. For these
2 reasons, the Project will have a less than significant impact on fire response times and will
3 not otherwise create a substantially greater need for fire protection services than that which
4 presently exists.

5 Mitigation Measures: None required.

6 4.13.4.2 Police Protection Services

7 **Potential Impact:** (UPS-2) Will the Project result in substantial impacts associated with
8 the provision of new or physically altered governmental facilities in order to
9 maintain acceptable service ratios, response times, or other performance
10 objectives for police protection services?

11 **Less than Significant Impact.**

12 The City Police Department does not provide regular daily police protection services for the
13 current judicial operations, and it will not provide services for court operations in the
14 proposed new courthouse. Instead, security is provided by personnel from the County
15 Sheriff's Department in combination with contracted private security personnel. Similar law
16 enforcement services will be provided for the New San Diego Central Courthouse once the
17 new courthouse is in operation. Although limited City Police Department personnel may
18 provide law enforcement services for the new courthouse vicinity, such services are not part
19 of courthouse security responsibilities. The City Police Department has indicated that the
20 site will be served by Police Beat 524, located at the Central Division at 2501 Imperial
21 Avenue. The Department has indicated that it can provide service to the Project site and
22 meet response times established by the City.³ Since the new courthouse will not significantly
23 increase the intensity of use over the existing courthouse operations, will consolidate
24 operations that are currently scattered among the County Courthouse and Madge Bradley
25 building and the Family Court building, and will provide improved security facilities, the
26 Project's impacts will be less than significant.

27 Mitigation Measures: None required.

28 4.13.4.3 Schools, Parks, and Other Public Services

29 **Potential Impact:** (UPS-3) Will the Project result in substantial impacts associated with
30 the provision of new or physically altered governmental facilities to maintain
31 acceptable service ratios, response times, or other performance objectives for
32 schools, parks, or other public facilities?

³ City of San Diego Police Department. Personal communication with Sgt. Steve Behrendt, Research and Planning. May 19, 2010.

1 **Less than Significant Impact.**

2 The New San Diego Central Courthouse will not generate new residential housing or other
3 land uses that will result in an increase in population or housing demands. As such, the
4 Project will not increase demands on local schools due to an increase in the number of
5 school-aged children in the area that will require educational services provided by the
6 public school system. Similarly, the Project will replace the existing courthouse and Old Jail,
7 and does not represent a new land use that will significantly increase demand for public
8 parks, libraries, or other public services over that currently generated by operation of the
9 existing courthouse and jail. As such, the Project will not result in create a significant
10 demand for the provision of new or physically altered governmental facilities that will
11 adversely affect acceptable service ratios, response times, or other performance objectives
12 for schools, parks, or other public facilities. Impacts will be less than significant.

13 Mitigation Measures: None required.

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1 4.14 RECREATION

2 This section evaluates the potential impacts of the Project in terms of recreation.

3 4.14.1 Environmental Setting

4 The City has over 38,930 acres of existing developed and undeveloped park and open space
5 lands that offer a range of recreational opportunities.¹ The City's park and recreation system
6 includes population-based, resource-based, and open space parks. As the City has grown
7 over time, so have the quantity, quality, and distribution of available recreation amenities.
8 The City has acquired new parks and open space and expanded existing facilities and
9 services to meet demands created by the growing population.

10 Although the Project site is located in downtown San Diego where high-density
11 development is prevalent, a number of public parks are present within the downtown area.
12 These parks include Outfield Park at Petco Park, City Park at Broadway and 4th Street,
13 Pantoja Park just west of State Street and G Street, Embarcadero Park North and
14 Embarcadero Marina Park South along the San Diego Bay, and a park occurring along
15 Martin Luther King Promenade and east of Front Street. In addition, the San Diego
16 Bayfront, Broadway Park, and Balboa Park represent larger-scale recreational resources
17 available for public enjoyment in the downtown area.

18 4.14.2 Analytical Framework

19 Impacts on recreational resources can result either directly through the elimination of a
20 recreational resource or indirectly from additional population growth that places greater
21 demand on the need for or availability of such resources. Analysts considered these factors
22 in the EIR analysis for existing and planned recreational resources in the vicinity of the
23 Project. The EIR also considers local City planning policies and funding mechanisms for
24 construction and long-term maintenance of such facilities.

¹ City of San Diego General Plan. Adopted March 2008.

1 4.14.2.1 Regulatory Background

2 The General Plan recommends that population-based parks provide a minimum ratio of 2.8
3 useable acres per 1,000 residents.² Table 2.2-2, Community Planning Area Population Based
4 Park Summary, of the General Plan Final Program EIR identifies areas of the City where
5 acreage deficiencies for recreational facilities exist. Since obtaining land for parks and open
6 space in urbanized communities is challenging, the General Plan provides a framework for
7 developing alternative methods, or “equivalencies,” to meet part of the required park
8 acreage within a community. Equivalencies are a means to provide recreation facilities
9 where land constraints limit the potential for land acquisition or where community-specific
10 park preferences occur. Implementation of equivalencies may result in additional park
11 acreage, additional square footage of facility space, or enhancements to increase the
12 usability of existing park lands. The Recreation Element of the General Plan also
13 recommends that a Park Master Plan be prepared to identify criteria for the use of
14 equivalencies and to identify specific projects that could be funded or provided through the
15 use of equivalencies. Recreation Element policies also support joint use and cooperative
16 agreements; protection and enjoyment of the City’s canyonlands; creative methods of
17 providing “equivalent” recreation facilities and infrastructure in restricted areas; and,
18 implementation of a financing strategy to finance park development and maintenance. The
19 Recreation Element recommends that the City (a) pursue long-term joint use agreements
20 with schools, other public agencies, or private entities; (b) ensure that adequate park fees are
21 collected to provide for the park needs generated by new development; and, (c) allow for
22 alternative means of providing timely and equitable park and recreation facilities.

23 The proposed Parks Master Plan is intended to provide criteria on how to apply the
24 “equivalencies.” Equivalencies are limited to no more than 50 percent of the required
25 parklands, and equivalency determinations occur as part of the City’s discretionary project
26 review process.

27 The Recreation Element specifically notes that “downtown San Diego has a small block
28 pattern and limited vacant land, and as the regional core is targeted for extensive, high-
29 intensity vertical development, therefore necessitating creative and flexible methods for
30 downtown to fulfill citywide goals, policies, and standards” relative to providing parks and
31 recreational facilities for public use.³ The number of parks in the downtown area is limited,
32 and other means of funding recreational resources are common with proposed
33 development.

² City of San Diego General Plan Final Program EIR. Certified September 2007.

³ City of San Diego General Plan – Recreation Element. Adopted March 2008.

1 4.14.3 Standards of Significance

2 For purposes of evaluating impacts in this EIR, the AOC considers an impact to be
3 significant if the Project will:

- 4 • Increase the use of existing neighborhood and regional parks or other recreational
5 facilities such that substantial physical deterioration of the facility will occur or
6 accelerate; or,
- 7 • Include recreational facilities or require the construction or expansion of recreational
8 facilities that might have an adverse physical effect on the environment.

9 4.14.4 Potential Impacts and Mitigation Measures

10 **Potential Impact:** (REC-1) Will the Project increase the use of existing neighborhood and
11 regional parks or other recreational facilities such that substantial physical
12 deterioration of the facility would occur or be accelerated?

13 **Potential Impact:** (REC-2) Will the Project include recreational facilities or require the
14 construction or expansion of recreational facilities, which might have an
15 adverse physical effect on the environment?

16 **No Impact.**

17 The Project will not increase the use of existing neighborhood or regional parks or other
18 recreational facilities, as the Project does not propose housing that will have the potential to
19 indirectly increase public demand for area recreational facilities. In addition, as the Project
20 does not represent a significant increase in intensity of use over that of the existing
21 courthouse facilities, an increase in demand for public recreational facilities is not
22 anticipated. As such, no significant impacts on recreation facilities have been identified for
23 the Project, and no mitigation is required.

24 Mitigation Measures: None required.

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4.15 TRANSPORTATION AND CIRCULATION

This section evaluates the potential impacts of the Project in terms of traffic and circulation and is based on the July 2010 *Traffic Impact Analysis Report*, prepared by RBF Consulting; refer to *Appendix H* of this EIR. This section provides information on potential traffic impacts of the Project on local roadways and intersections. The analysis also evaluates potential impacts on public transit operations, traffic hazards, bicycle facilities, site access, circulation, and parking.

The traffic analysis utilizes the 71-courtroom Project as the basis for evaluating traffic impacts. Of the 71 courtrooms, 59 will relocate from the existing courthouse located immediately east of the Project site, and the relocated courtrooms will involve essentially no change in their associated traffic patterns. Ten of the 71 courtrooms will relocate from the Madge Bradley and Family Law Courthouse located several blocks east of the proposed site; this relocation will not change the courtroom's associated trips to downtown San Diego, but it will change the distribution of traffic in the downtown area. One courtroom will relocate from Kearney Mesa and one new courtroom will be added; these additions will add new traffic to downtown San Diego. Along with the traffic changes associated with the new judicial facilities, the Project will demolish the existing buildings on the proposed courthouse site, the County Courthouse, and the Old Jail. Demolition of these buildings will displace current workers in these buildings, and the demolitions will therefore reduce downtown traffic and related parking demand.

After the completion of the new courthouse, the courts will vacate the Madge Bradley and the Family Law facilities. The AOC assumes that other parties will use the vacated office space in the Madge Bradley and the Family Law facilities. The AOC currently has no plans to redevelop the existing County Courthouse and Old Jail sites.

4.15.1 Environmental Setting

This section discusses site access and the existing street system; public transit, bicycle and pedestrian facilities; current traffic operations; hazards; and, parking supply in the Project area.

4.15.1.1 Site Access and Existing Street Systems

Analysts conducted a thorough field investigation of the existing roadway and intersection conditions specifically for this Project and identified traffic signal operations, lanes, parking and other factors that may affect the capacity of the roadway. A description of the street system providing direct access and circulation to the Project site is included below. *Figure*

1 4.15-1: Existing Intersection Geometry, shows existing intersection geometry and traffic signal
2 control for the following streets:

- 3 ▪ Ash Street is a one-way westbound street providing three travel lanes. Ash Street is a
4 one-way Major Street within the study area. Metered curbside parking is on both
5 sides of the street.
- 6 ▪ A Street is a one-way eastbound street providing three travel lanes. A Street is a one-
7 way Major Street within the study area. Metered curbside parking is on both sides of
8 the street.
- 9 ▪ B Street is a two-lane street oriented in an east-west direction. B Street is a two-lane
10 Local Street within the study area. Metered curbside parking is on both sides of the
11 street.
- 12 ▪ C Street is a one-way eastbound street providing two travel lanes. Trolley tracks runs
13 in between each eastbound travel lane. C Street is a two-lane Local Street within the
14 study area. No curbside parking is provided along C Street.
- 15 ▪ Broadway is a four-lane divided road oriented in an east-west direction. Broadway is
16 a Collector Street within the study area. Most of Broadway's intersections in the
17 study area have restricted left turn access from Broadway onto side streets. Metered
18 curbside parking is on both sides of the street.
- 19 ▪ Kettner Boulevard is a one-way southbound street from Ash Street to A Street
20 providing two travel lanes and is considered a Major Street within the study area.
21 From A Street to Broadway, Kettner Boulevard is two-lane Major Street within the
22 study area. Metered curbside parking is on both sides of the street.
- 23 ▪ State Street is a one-way northbound street providing three travel lanes. State Street
24 is a one-way Local Street within the study area. Metered curbside parking is on both
25 sides of the street.
- 26 ▪ Union Street is a two-lane street oriented in a north-south direction. Union Street is a
27 two-lane Local Street within the study area. Metered curbside parking is on both
28 sides of the street.
- 29 ▪ Front Street is a one-way southbound street providing three travel lanes. Front Street
30 is a one-way Major Street within the study area. Metered curbside parking is on both
31 sides of the street.
- 32 ▪ First Avenue is a one-way northbound street providing three travel lanes. First
33 Avenue is a one-way Major Street within the study area. Metered curbside parking is
34 on both sides of the street.

1 4.15.1.2 Current Traffic Operation

2 The traffic impact analysis report evaluated intersection traffic operations for morning (7:30
3 to 9:30 a.m.) peak hours to estimate current traffic level of service. Since the courts typically
4 end prior to the p.m. peak period, analysis was not performed for this time period. Analysts
5 collected average daily traffic (ADT) volumes over a 24-hour period. Level of service (LOS)
6 is traffic engineers' qualitative measure of traffic flow characteristics for evaluations of
7 traffic intersection and roadway service levels. This methodology employs a Level A
8 through F scale, with Level A being optimum operating conditions and Level F below
9 standard. *Table 4.15-1: Existing Condition Intersection Levels of Service (LOS) – AM Peak*, shows
10 the level of service criteria and the existing operating conditions of intersection traffic.
11 Results showed that all of the study intersections currently operate at Level of Service B or
12 better, indicating short traffic delays with low-level congestion. *Figure 4.15-2: Existing*
13 *Conditions Traffic Volumes*, shows existing a.m. peak hour and daily traffic volumes.

14 Analysts calculated roadway segment levels of service based on established capacity
15 thresholds defined by roadway classification and ADT volumes, *Table 4.15-2: Existing*
16 *Conditions Roadway Segment Levels of Service (LOS)*, presents the results of the existing
17 conditions roadway segment level of service analysis. As shown in *Table 4.15-2*, all of the
18 roadway segments operate at acceptable levels of service.

19 Table 4.15-1: Existing Condition Intersection Levels of Service (LOS) – AM Peak

Study Intersection	Control	Delay - LOS	
Ash Street / Union Street	S	6.2	A
Ash Street / Front Street	S	19.9	B
First Avenue / A Street	S	17.2	B
B Street / State Street	U	9.3	A
B Street / Union Street	U	10.3	B
B Street / Front Street	S	6.1	A
C Street / State Street	U	10.9	B
C Street / Union Street	U	10.5	B
Broadway / State Street	S	0.0	A
Broadway / Union Street	S	8.5	A

Note: Deficient intersection operation shown in **bold**.

Control: S= signalized, U= unsignalized

1 Table 4.15-2: Existing Conditions Roadway Segment Levels of Service (LOS)

Roadway	Location	Class (# Lanes)	LOS E Capacity	Existing ADT	V/C	LOS
Ash Street	Columbia Street to State St.	Major one-way (3)	25,000	11,660	0.47	B
	State Street to Union Street	Major one-way (3)	25,000	12,100	0.48	B
	Union Street to Front Street	Major one-way (3)	25,000	13,474	0.54	B
	Front Street to First Avenue	Major one-way (3)	25,000	14,847	0.59	C
A Street	Columbia Street to State St.	Major one-way (3)	25,000	8,740	0.35	A
	State Street to Union Street	Major one-way (3)	25,000	8,422	0.34	A
	Union Street to Front Street	Major one-way (3)	25,000	11,462	0.46	B
	Front Street to First Avenue	Major one-way (3)	25,000	12,630	0.51	B
B Street	Columbia Street to State St.	Local (2)	8,000	4,812	0.60	C
	State Street to Union Street	Local (2)	8,000	4,994	0.62	C
	Union Street to Front Street	Local (2)	8,000	3,536	0.44	C
C Street	Columbia Street to State St.	Local one-way (2)	8,000	1,100	0.14	A
Broadway	Kettner Blvd. to India Street	Collector (4)	30,000	14,070	0.47	C
	Union Street to Front Street	Collector (4)	30,000	16,130	0.54	C
	Front Street to First Avenue	Collector (4)	30,000	20,754	0.69	D
State Street	Ash Street to A Street	Local one-way (3)	10,000	2,190	0.22	A
	B Street to C Street	Local one-way (3)	10,000	3,800	0.38	A
	C Street to Broadway	Local one-way (3)	10,000	3,221	0.32	A
Front Street	Ash Street to A Street	Major one-way (3)	25,000	16,025	0.64	C
	A Street to B Street	Major one-way (3)	25,000	14,532	0.58	C

Figure 4.15-2: Existing Conditions Traffic Volumes, continued

Roadway	Location	Class (# Lanes)	LOS E Capacity	Existing ADT	V/C	LOS
1 st Avenue	Ash Street to A Street	Major one-way (3)	25,000	19,860	0.79	C
	A Street to B Street	Major one-way (3)	25,000	15,849	0.63	C

Note: Deficient roadway segment operations shown in **bold**.

1 4.15.1.3 Parking

2 The Project's proposed courthouse site currently provides 181 public parking spaces, and
 3 there are approximately eight on-street parking spaces on the west side of Union Street next
 4 to the Stahlman Block. The County Courthouse provides approximately 40 parking spaces
 5 for Sheriffs and County staff in the area between Broadway and B Street. In the County-
 6 owned block between State Street, A Street, Union Street, and B Street, the County and
 7 Superior Court share approximately 89 parking spaces on the eastern half of the block.

8 To determine the existing available parking around the Project, RBF traffic engineers
 9 conducted an inventory of available public parking near the proposed courthouse site. The
 10 inventory revealed that there are more than 2,620 public parking spaces within a three block
 11 radius of the Project site. The parking spaces located in surface parking lots (874 spaces) and
 12 parking structures (1,746 spaces). Although the parking lots are currently shared by other
 13 uses downtown, a survey of the 15 surface parking lots in closest proximity to the Project
 14 site demonstrates that the existing parking lots are not fully occupied and sufficient parking
 15 is available to serve the Project. *Table 4.15-3: Occupancy Survey - Surface Parking Lots in*
 16 *Immediate Vicinity of Project Site*, summarizes the results of a survey of existing available
 17 parking in surface parking lots within three blocks of the Project site. The survey was
 18 conducted from 7:30 a.m. to 9:30 a.m. on March 24, 2010 specifically for this Project. As
 19 shown in *Table 4.15-3*, the 15 surface parking lots inventoried account for 874 parking
 20 spaces. The Project site currently provides 181 pay parking spaces.

21 CCDC's 2009 Comprehensive Parking Plan for Downtown San Diego (the "Parking Plan")
 22 tabulated on-street and off-street parking spaces in the downtown and also made field
 23 reviews of vacancies. Although the Parking Plan's survey areas were larger than the
 24 Project's survey areas and the boundaries of the Parking Plan's areas did not correspond to
 25 the Project's vicinity, the Parking Plan reported midday parking space vacancies of 25
 26 percent for the Civic Core area and 16 percent for the Columbia area. These values are
 27 within the range of values reported in *Table 4.15-3: Occupancy Survey - Surface Parking Lots in*
 28 *Immediate Vicinity of Project Site*. The Parking Plan concluded that there is sufficient parking
 29 supply to meet demand in downtown San Diego, but the location and availability of public
 30 parking supply is not consistent across neighborhoods or time of day.

31

1 Table 4.15-3: Occupancy Survey - Surface Parking Lots in Immediate Vicinity of Project Site

Parking Lot	Total Spaces	Observed Unoccupied Spaces					% Available at 8:30 AM
		7:30 AM	8:00 AM	8:30 AM	9:00 AM	9:30 AM	
A	61	7	8	1	6	3	1.6%
B	163	111	85	77	60	53	47.2%
C	49	42	32	28	23	18	57.1%
D	45	22	17	6	0	1	13.3%
E	17	16	15	14	10	7	82.4%
F	22	20	16	15	15	11	68.2%
G	19	11	13	12	9	8	63.2%
H	68	36	30	22	20	15	32.4%
I	58	34	26	13	13	14	22.4%
J	88	72	62	51	43	30	58.0%
K	40	32	28	20	20	16	50.0%
L	28	20	17	14	11	9	50.0%
M	34	26	21	18	15	11	52.9%
N	94	64	49	44	28	19	46.8%
O	88	80	67	60	50	43	68.2%
TOTAL	874	593	486	395	323	258	45.2%

Note: See Figure 4.15-14 for parking lot locations.

2 4.15.1.4 Public Transit, Bicycle and Pedestrian Facilities

3 The Project site is approximately one-quarter mile from San Diego Union Station which is
 4 the City’s downtown transit center at 1050 Kettner Boulevard. This transportation center
 5 provides services to Amtrak, the San Diego Coaster, the San Diego Trolley, and the San
 6 Diego Metropolitan Transit System bus system. Bus routes that serve the area of the existing
 7 and proposed court building include Routes 2, 11, 923, and 992, with bus stops on Broadway
 8 and Union Street, and Broadway and Front Street. Trip generation survey results for the
 9 existing court indicated approximately 27 percent of County Courthouse staff and
 10 approximately 20 percent of jurors use public transportation for work or to conduct business
 11 at the courthouse.

12 There are no striped bike lanes near the Project site; however, pedestrian sidewalks are on
 13 both sides of Broadway and other streets in the area. Pedestrian crosswalks with audible
 14 signals are available at the Broadway/Front Street intersection, the Broadway/Union Street
 15 Intersection, and the Front Street/C Street intersection. A future pedestrian bridge may be

1 constructed to link the existing Hall of Justice to the new Central Courthouse to provide a
2 safe pedestrian connection.

3 4.15.2 Analytical Framework

4 4.15.2.1 Analytical Methodology

5 To identify the potential traffic impact with the Project, the traffic study evaluated traffic
6 operations at nearby street intersections and roadways that provide access to the Project site.
7 Analysts prepared the traffic analysis in accordance with the SANTEC/ITE Traffic Study
8 Guidelines and City's Traffic Impact Study Manual (2003). The City's goal for acceptable
9 levels of service is LOS D or better at signalized intersections and along roadway segments.
10 The analysis evaluated the a.m. peak hour (7:30 a.m. to 9:30 a.m.) intersection and daily
11 roadway segment operations for existing and Year 2013 conditions with and without the
12 Project. The AOC did not evaluate p.m. peak hour traffic because courthouses typically
13 have very few visitors and jurors during late afternoons immediately prior to the p.m. traffic
14 peak period, and the new courthouse's staff will have a very minor change.

15 4.15.2.2 Study Assumptions

16 *New San Diego Central Courthouse Project*

17 The Project will include 71 courtrooms. Of the 71 courtrooms, 59 will relocate from the
18 existing courthouse located immediately east of the Project site. Ten of the 71 courtrooms
19 will relocate from the Madge Bradley and Family Law Courthouse located several blocks
20 east of the proposed site. One courtroom will relocate from Kearney Mesa and the AOC will
21 add one new courtroom. Sixty of the 71 courtrooms will provide for jury trials while the
22 remaining will serve probate and family court and will not have a jury call. Only two of the
23 71 courtrooms will generate new trips downtown (the new courtroom and the relocated
24 courtroom from Kearney Mesa).

25 Approximately 111 parking spaces will be underground on the Project site for judges and
26 key staff of the court system. All other parking needs will be offsite.

27 The existing site contains approximately 45,000 square feet of commercial office uses and an
28 existing 181 space parking lot. The removal of the site's office building, the County
29 Courthouse, and the Old Jail will reduce overall existing traffic in the study area and reduce
30 the existing uses' demand for parking; however, the Project's removal of the existing
31 parking lot (181 spaces) will permanently reduce the existing available public parking
32 capacity. The Project's staging area will also temporarily reduce parking supply.

1 *Trip Generation Rates*

2 The New San Diego Central Courthouse will be operational from 8:00 a.m. to 5:00 p.m.
 3 Monday through Friday. The majority of the traffic to and from the site will occur during
 4 the a.m. peak as most jurors and visitors leave the facility midday or in the early afternoon,
 5 before the p.m. peak traffic operations begin. Therefore, the traffic analysis in this report
 6 focuses only on the a.m. peak period conditions.

7 Courthouse trip generation rates are not currently published in ITE or City of San Diego
 8 Traffic Generation Manuals. Therefore, trip generation rates for the relocated courthouse are
 9 based on this Project’s trip generation studies and/or other projects in California.

10 *County Court Trip Generation Rates*

11 In January 2000, the County prepared a traffic study for the existing San Diego County
 12 Courthouse. In that report, the County supplied employment and trip information for the
 13 existing 59 courtroom County Courthouse. Information from that report is from employee
 14 surveys collected in 2000:

- 15 ▪ Total Court Rooms: 59
- 16 ▪ Total Employees: 750
- 17 ▪ Total Jurors (per day): 2,100

18 The research showed that a total of 2.5 trips per day were made by each employee. In
 19 addition, each juror was noted to make 2.0 trips per day. The mode split percentages of
 20 those trips was:

	<u>Employees</u>	<u>Jurors</u>
21 Drive Alone:	51%	59%
22 Transit:	27%	20%
23 Carpool:	13%	5%
24 Vanpool:	3%	4%
25 Bike/Walk:	6%	12%

27 Of the total trips made to and from the courthouse, the County reported a total of 1,081
 28 vehicle based employee trips and 2,615 juror vehicle trips per day. This equates to 18.32
 29 employee and 44.32 juror trips per day per court room. Based on current operation at the
 30 existing County Courthouse, employees and most jurors/visitors arrive at the courthouse
 31 during the a.m. peak period (7:30 a.m. to 9:00 a.m.). Therefore, 50 percent of the total trips
 32 arrive during the a.m. peak. *Table 4.15-4: Trip Generation – County Court Building* summarizes
 33 the trip generation rates developed for the County Court building.

34
 35

1

Table 4.15-4: Trip Generation – County Court Building

Land Use	Daily	AM		
		Total	In	Out
Employees <i>(trips per court room)</i>	18.32	9.16	8.24	0.92
Visitor/Juror <i>(trips per court room)</i>	44.32	22.16	19.94	2.22

2 *Family Law and Probate Court Trip Generation Rates*

3 The proposed New San Diego Central Courthouse will include the existing 59 courtrooms in
 4 the County Courthouse along with ten relocated courtrooms from the Family Law (1555
 5 Sixth Avenue) and Madge Bradley (1409 Fourth Avenue) buildings located in downtown
 6 San Diego. Neither Family Court nor Probate Court will require jury calls for their family
 7 law and probate judicial procedures. Therefore, the trip generation for these courts includes
 8 only the employees and individuals involved in such court cases.

9 In January 2010, the AOC commissioned a traffic study¹ for a Family Resources courthouse
 10 in San Jose, California. The study showed that all employees and most visitors arrived at the
 11 courthouse between 8:00 a.m. and 9:00 a.m. Results of the trip end survey conducted for the
 12 Family Court in San Jose, California (20 courtrooms) are indicated in *Table 4.15-5: Trip*
 13 *Generation – Family and Probate Court (No Jury Calls)*.

14

Table 4.15-5: Trip Generation – Family and Probate Court (No Jury Calls)

Land Use	Daily	AM		
		Total	In	Out
Employees <i>(trips per court room)</i>	23.1	11.56	10.4	1.16
Visitors <i>(trips per court room)</i>	49.0	24.50	22.05	2.45

15 *Forecast of Net Project Trip Generation*

16 Since the existing operations of the 59-courtroom County Courthouse are only moving one
 17 block west and are essentially unchanged, the Project's net trip generation includes three
 18 components:

- 19 1. New trips generated by the AOC's addition of one new courtroom and the relocation
 20 of Kearny Mesa courtroom to the new courthouse;

¹ Available at http://www.courtinfo.ca.gov/programs/occm/documents/santa_clara_final_mnd.pdf

2. Trips associated with the relocation of the existing Madge Bradley and Family Court courtrooms within downtown; and,
3. Elimination of existing downtown trips due to demolition of the buildings on the proposed Stahlman Block courthouse site, demolition of the County Courthouse (which forces relocation of the County’s staff that work in the building), and demolition of the Old Jail.

New Downtown San Diego Courtrooms

Only trips associated with the relocation from Kearney Mesa and the one new proposed courtroom will generate new trips in downtown San Diego. Overall, the Project will generate 134 new vehicle-based trips within the study area when trip generation rates for courthouse facilities are applied to the two new courtrooms. The preceding section and Table 4.15-6: Forecast Trips Generated by New Courtrooms and Courtrooms Relocated from Outside Downtown San Diego, explain trip generation rates for the Project.

Table 4.15-6: Forecast Trips Generated by New Courtrooms and Courtrooms Relocated from Outside Downtown San Diego

Land Use	Daily	AM		
		Total	In	Out
TRIP GENERATION RATES				
General Court (jury)				
Employees (<i>trips per court room</i>)	18.32	9.16	8.24	0.92
Visitors & Jurors (<i>trips per court room</i>)	44.32	22.16	19.94	2.22
NEW TRIPS ASSIGNED TO STUDY AREA				
General Court (jury): 1 new courtroom				
Employees	18	9	8	1
Visitors & Jury	44	22	20	2
Family & Probate Court (non jury): 1 courtroom relocated from Kearney Mesa				
Employees	23	12	10	2
Visitors	49	25	22	3
New Trips Generated in Downtown San Diego	134	68	60	8

Madge Bradley and Family Law Court Relocation to New San Diego Central Courthouse

The Project will relocate 10 courtrooms from the Madge Bradley and Family Law Court buildings that currently reside in downtown San Diego on Fourth and Sixth Avenues. Figure 4.15-2 illustrates the location of the existing buildings and the proposed courthouse. The trips associated with the relocation of the existing courtrooms within downtown are not new trips to downtown San Diego. As summarized in Table 4.15-7: Redistributed Existing Trips, these ten courtrooms currently generate approximately 361 vehicle based trips during the a.m. peak period. The travel patterns into and around downtown for these relocated courtrooms are likely

1 to shift due to the relocation of the judicial operations and their associated parking demand. The
 2 change in traffic patterns associated with the relocation of the Madge Bradley and Family Law
 3 courtrooms trips is included in the analysis of Existing plus Project conditions.

4 Table 4.15-7: Redistributed Existing Trips

Land Use	Daily	AM		
		Total	In	Out
TRIP GENERATION RATES – Family & Probate (Non-Jury) ⁽¹⁾				
Employees (<i>trips per court room</i>)	23.1	11.56	10.4	1.16
Visitors (<i>trips per court room</i>)	49.0	24.50	22.05	2.45
FORECAST RESTRIBUTED TRIPS – Family & Probate (Non-Jury)				
Employees (<i>10 court rooms</i>)	231	116	104	12
Visitors (<i>10 court rooms</i>)	490	245	221	24
Existing Trips Redistributed in Downtown San Diego	721	361	325	36

(1) Source: Trip generation reported for County of San Diego Courthouse & San Jose Family Resources Courthouse.

5 Removal of Existing Land Use from Project Site, County Courthouse, and Old Jail

6 The Project site includes an approximately 45,000 square feet of office and commercial building
 7 space. There are two three-story buildings and a single-story building. The buildings provide
 8 office space for legal, bail bond, and restricted income legal support businesses. Analysts
 9 estimated the number of trips currently on the roadway network from these businesses by
 10 applying the City's Trip Generation Rates to the existing square footage of the buildings.

11 The County shares space in the County Courthouse with the Superior Court. The County's Child
 12 Support Services and Health and Human Services occupy approximately 88,000 square feet of
 13 space in the building. After completion of the new courthouse, the County's Child Support
 14 Services, and Health and Human Services staff will vacate the County Courthouse. The County
 15 also leases the Old Jail from the AOC, and the County sub-leases the Old Jail to a private party
 16 that operates the detention facility.

17 With demolition of the Old Jail, existing vehicle trips associated with that use will also be
 18 removed from the study area. There are approximately 65 employees² at the facility that report
 19 in on a daily basis. Therefore, 65 a.m. peak period trips were removed from the roadway
 20 network for this Project-related analysis.

21 The Project will remove the existing buildings from the proposed courthouse site, the County
 22 Courthouse, the Old Jail, and the existing 181-space public pay parking lot on the Stahlman

² Mr. Eric Noonan, Warden, Western Region Detention Facility, personal communication to Jerome Ripperda, AOC, June 11, 2010.

1 Block. The removal of these buildings will reduce traffic volume within the study area by
 2 approximately 2,142 trips per day with a reduction of 326 a.m. peak period trips. *Table 4.15-8:*
 3 *Existing Trips Associated with Existing Buildings on Project Site*, summarizes the reduction in
 4 traffic associated with the removal of the existing buildings.

5 Table 4.15-8: Existing Trips Associated with Existing Buildings on Project Site

Land Use	Daily	AM		
		Total	In	Out
TRIP GENERATION RATES				
Commercial Office Building (<i>Trips per 1,000 sf</i>)	$\text{Ln}(T) = 0.756$ $\text{Ln}(x) + 3.95$	13%	90%	10%
EXISTING ESTIMATED TRIPS THAT WILL NOT REMAIN				
Commercial Office Building ⁽¹⁾ (<i>removal of 45,000 sf</i>)	-923	-120	-108	-12
San Diego County Office Use within Existing Courthouse (<i>removal of 88,000 sf</i>)	-1,089	-141	-127	-13
Old Jail (<i>removal of 65 staff per day</i>)	-130	-65	-58	-7
TOTAL REMOVED TRIPS	-2,142	-326	-293	-33

(1) Source: City of San Diego Trip Generation Rates (2003). The number of trips (T) is a function of (x), which is number of units. In this case, the number of units is expressed in 1,000 sf.

6 To summarize, the Project’s traffic analysis includes the following components:

- 7 1. Adding the new downtown courtrooms’ 68 trips;
- 8 2. Redistributing the 361 relocated trips from the Madge Bradley and Family Law
 9 buildings to additional downtown intersections and roadway segments near the
 10 proposed new courthouse;³ and,
- 11 3. Subtracting the 326 trips due to the Project’s demolition of the Stahlman Block’s
 12 buildings, the demolition of the County Courthouse with its 88,000 BGSF of County
 13 agencies’ office space, and demolition of the Old Jail.

14 Adding the new downtown courtrooms’ 68 trips and 361 relocated trips from the Madge
 15 Bradley and Family Law buildings and subtracting the 326 trips due to the Project’s
 16 demolitions gives a net a.m. downtown trip total of 103 trips. Inbound-only trips total 104
 17 trips from the new courtrooms, 325 trips from the relocated courtrooms, and 293 trips for
 18 the Project’s demolitions, which gives a projected net inbound destination trip total of 136
 19 trips.⁴

³ Analysts evaluated future re-use of the Madge Bradley and Family Law buildings as part of the Project’s cumulative traffic evaluation; see Section 4.15.4.1.

⁴ 104 trips from the new downtown courtrooms +325 trips from relocated downtown courtrooms -293 trips from commercial and government uses in the Project’s to-be-demolished buildings = 136 trips.

1 *Distribution of New Project Trips*

2 Distribution percentages were applied to the new trips generated by the site and the
3 reassignment of existing downtown trips associated with the Madge Bradley & Family Law
4 Courthouses. The trip distribution accounts for limited, restricted parking that the Project
5 will provide onsite, but all other vehicles will park in public parking facilities near the
6 courthouse. Although multiple public parking facilities are available within three blocks of
7 the site, the distribution of traffic assumes two parking lots closest to the building are
8 primarily used (Lots A and B, shown in *Figure 4.15-14*). This provides for an increased
9 concentration in trips near the courthouse and may represent the circulation of traffic that
10 occurs when drivers search for available public parking spaces.

11 *Trip Assignment*

12 The new or reassigned Project volumes associated with the new courthouse are illustrated
13 in *Figure 4.15-4*, *Figure 4.15-5*, *Figure 4.15-6*, *Figure 4.15-7*, and *Figure 4.15-8* illustrate the
14 individual distribution or redistribution of trips associated with each of the components of
15 the Project that make up the total trip assignment:

- 16 ▪ New Trips to Downtown (relocation of one courtroom from Kearney Mesa & one
17 new court room trip assignment) - *Figure 4.15-5*;
- 18 ▪ Redistribution of Madge Bradley and Family Law Courtrooms – *Figure 4.15-6*;
- 19 ▪ Removal of Existing Madge Bradley and Family Law Courtroom Trips – *Figure*
20 *4.15-7*; and,
- 21 ▪ Removal of Old Jail, County Courthouse Uses, within Existing Courthouse, and
22 Existing Office Buildings on Proposed Site – *Figure 4.15-8*.

23 4.15.3 Standards of Significance

24 For purposes of evaluating impacts in this EIR, the AOC considers an impact to be
25 significant if the Project will:

- 26 ▪ Conflict with an applicable plan, ordinance or policy establishing measures of
27 effectiveness for the performance of the circulation system, taking into account all
28 modes of transportation including mass transit and non-motorized travel and
29 relevant components of the circulation system, including but not limited to
30 intersections, streets, highways and freeways, pedestrian and bicycle paths, and
31 mass transit;
- 32 ▪ Conflict with an applicable congestion management program, including, but not
33 limited to level of service standards and travel demand measures, or other standards

1 established by the county congestion management agency for designated roads or
 2 highways;

- 3 ▪ Produce a change in air traffic patterns, including either an increase in traffic levels
 4 or a change in location that results in substantial safety risks;
- 5 ▪ Substantially increase hazards because of a design feature (e.g., sharp curves or
 6 dangerous intersections) or incompatible uses (e.g., farm equipment);
- 7 ▪ Result in inadequate emergency access; or,
- 8 ▪ Conflict with adopted policies, plans, or programs regarding public transit, bicycle,
 9 or pedestrian facilities, or otherwise decrease the performance or safety of such
 10 facilities.

11 4.15.3.1 City of San Diego

12 In accordance with the City of San Diego Traffic Impact Study Manual, this study analyzes
 13 the followings study scenarios:

- 14 ▪ **Existing Conditions** – Analysis of existing traffic count volumes, intersection
 15 geometry and existing roadway network.
- 16 ▪ **Existing Plus Project Conditions** – Analysis of existing traffic volumes overlaid with
 17 the forecast Project-generated traffic. The existing intersection geometry and
 18 roadway network were used in this analysis.
- 19 ▪ **Existing Plus Cumulative Conditions (No Project)** – Analysis of existing traffic
 20 volumes overlaid with traffic associated with approved or pending projects
 21 anticipated to be constructed by the Project-opening year.
- 22 ▪ **Existing Plus Cumulative Plus Project Conditions** – Analysis of existing traffic
 23 volumes overlaid with cumulative project traffic and traffic generated by the Project.

24 Analysts used the 2000 Highway Capacity Manual (HCM) methodology for *Signalized*
 25 *Intersections* to determine the operating Levels of Service (LOS) of the study intersections. The
 26 HCM methodology describes the operation of an intersection using a range of LOS from LOS A
 27 (free-flow conditions) to LOS F (severely congested conditions), based on corresponding average
 28 stopped delay per vehicle shown in *Table 4.15-9: Intersection LOS & Delay Ranges*.

29 Table 4.15-9: Intersection LOS & Delay Ranges

LOS	Delay (seconds/vehicle)	
	Signalized Intersections	Unsignalized Intersections
A	≤ 10.0	≤ 10.0
B	> 10.0 to ≤ 20.0	> 10.0 to ≤ 15.0
C	> 20.0 to ≤ 35.0	> 15.0 to ≤ 25.0

Table 4.15-9: Intersection LOS & Delay Ranges, continued

D	> 35.0 to ≤ 55.0	> 25.0 to ≤ 35.0
E	> 55.0 to ≤ 80.0	> 35.0 to ≤ 50.0
F	> 80.0	> 50.0

Source: 2000 Highway Capacity Manual.

1 Analysts based the roadway segment analysis of the study area roadways upon roadway
 2 classifications and capacity thresholds defined in the City of San Diego Traffic Impact Study
 3 Manual. The roadway segment LOS criteria are shown in *Table 4.15-10: Level of Service*
 4 *Thresholds for Roadway Segments*.

Table 4.15-10: Level of Service Thresholds for Roadway Segments

Classification (# Lanes)		Level of Service				
		A	B	C	D	E
Primary Arterial (6)		25,000	35,000	50,000	55,000	60,000
Major Arterial	Two-way (6)	20,000	28,000	40,000	45,000	50,000
	One-way (3)	10,000	14,000	20,000	22,500	25,000
Major Arterial	Two-way (4)	15,000	21,000	30,000	35,000	40,000
	One-way (2)	7,500	10,500	15,000	17,500	20,000
Local	Two-way (2)	2,500	3,500	5,000	6,500	8,000
	One-way (3)	4,000	5,500	7,500	9,000	10,000
	One-way (2)	2,500	3,500	5,000	6,500	8,000
Collector	Two-way (4)	10,000	14,000	20,000	25,000	30,000
	One-way (3)	7,500	10,500	15,000	18,750	22,500
	One-way (2)	5,000	7,000	10,000	13,000	15,000
Collector (no center lane (4)) (continuous left-turn lane (2))		5,000	7,000	10,000	13,000	15,000
Collector (2) (no fronting property)		4,000	5,500	7,500	9,000	10,000
Collector (2) (commercial-industry fronting)		2,500	3,500	5,000	6,500	8,000

Source: City of San Diego Traffic Impact Study Manual

6 The City’s goal for acceptable operating conditions is LOS D or better for intersections and
 7 roadway segments. The City’s Traffic Impact Study Manual identifies thresholds of
 8 significance, as summarized in *Table 4.15-11: City of San Diego Level of Significance Thresholds*.

9

10

1 Table 4.15-11: City of San Diego Level of Significance Thresholds

LOS with Project	Allowable Change Due To Project Impact					
	Freeways		Roadway Segments		Intersections	Ramp Metering
	V/C	Speed (mph)	V/C	Speed (mph)	Delay (sec.)	Delay (sec.)
E (or ramp meter delays above 15 minutes)	0.010	1.0	0.02	1	2.0	2.0
F (or ramp meter delays above 15 minutes)	0.005	0.5	0.01	1	2.0	1.0

Source: City of San Diego Traffic Impact Study Manual

2 4.15.4 Potential Impacts and Mitigation Measures

3 4.15.4.1 Traffic Increase and Level of Service

4 **Potential Impact:** Will the Project cause an increase in traffic that is substantial in
5 relation to the existing traffic load and capacity of the street system?

6 **Less Than Significant Impact.**

7 *Existing Plus Project Conditions*

8 Overlaying the trips identified in *Figure 4.15-4* with the existing conditions traffic volumes
9 provides the forecast a.m. peak traffic volumes with the Project. *Figure 4.15-9* shows the
10 Existing plus Project traffic volumes.

11 Analysts evaluated the Existing plus Project traffic volumes using existing conditions
12 intersection geometry and traffic control. Results of the HCM intersection operating
13 conditions levels of service and roadway segment level of service analysis are in *Table*
14 *4.15-12: Existing Plus Project Conditions Intersection LOS – AM Peak* and *Table 4.15-13: Existing*
15 *Plus Project Roadway ADT Volumes and LOS*.

16 As shown in *Table 4.15-12* and *Table 4.15-13: Existing Plus Project Roadway ADT Volumes and*
17 *LOS*, all intersections and roadway segments will operate at an acceptable level of service.
18 *Figure 4.15-9: Existing Plus Project Conditions*, illustrates the traffic volumes and turning
19 movements under Existing plus Project conditions. Detailed LOS worksheets are provided
20 in Appendix C of *Appendix H*. Since all intersections and roadway segments will operate at
21 an acceptable level of service, the AOC concludes that traffic impacts are less than
22 significant.

23

1 Table 4.15-12: Existing Plus Project Conditions Intersection LOS – AM Peak

Study Intersection	Control	Existing No Project		Existing Plus Project		Change in AM Peak Hour Delay
		Delay - LOS		Delay - LOS		
Ash Street / Union Street	S	6.2	A	6.2	A	0.0
Ash Street / Front Street	S	19.9	B	20.6	C	0.7
First Avenue / A Street	S	17.2	B	17.6	B	0.4
B Street / State Street	U	9.3	A	10.2	B	0.9
B Street / Union Street	U	10.3	B	11.8	B	1.5
B Street / Front Street	S	6.1	A	6.1	A	0.0
C Street / State Street	U	10.9	B	21.5	C	10.6
C Street / Union Street	U	10.5	B	10.7	B	0.2
Broadway / State Street	S	0.0	A	0.0	A	0.0
Broadway / Union Street	S	8.5	A	9.4	A	0.9

Note: Deficient intersection operation shown in **bold** Control: S= signalized , U= unsignalized

2 Table 4.15-13: Existing Plus Project Roadway ADT Volumes and LOS

Roadway	Location	Class (# Lanes)	LOS E Capacity	Existing V/C	Existing Plus Project			Change in V/C
					ADT	V/C	LOS	
Ash Street	Columbia Street to State Street	Major one-way (3)	25,000	0.47	11,746	0.47	B	0.00
	State Street to Union Street	Major one-way (3)	25,000	0.48	11,971	0.48	B	0.01
	Union Street to Front Street	Major one-way (3)	25,000	0.54	13,177	0.53	B	-0.01
	Front Street to First Avenue	Major one-way (3)	25,000	0.59	14,654	0.59	C	0.01
A Street	Columbia Street to State Street	Major one-way (3)	25,000	0.35	8,714	0.35	A	0.00
	State Street to Union Street	Major one-way (3)	25,000	0.34	8,088	0.32	A	-0.02
	Union Street to Front Street	Major one-way (3)	25,000	0.46	11,166	0.45	B	-0.01
	Front Street to First Avenue	Major one-way (3)	25,000	0.51	12,437	0.50	B	-0.01

Figure 4.15-13: Existing Plus Cumulative Plus Project Conditions, continued

Roadway	Location	Class (# Lanes)	LOS E Capacity	Existing V/C	Existing Plus Project			Change in V/C
					ADT	V/C	LOS	
B Street	Columbia Street to State Street	Local (2)	8,000	0.60	4,683	0.59	C	-0.01
	State Street to Union Street	Local (2)	8,000	0.62	4,710	0.59	C	-0.03
	Union Street to Front Street	Local (2)	8,000	0.44	3,343	0.42	B	-0.02
C Street	Columbia Street to State Street	Local one-way (2)	8,000	0.14	868	0.11	A	-0.03
Broadway	Kettner Blvd. to India Street	Collector (4)	30,000	0.47	14,019	0.47	C	0.00
	Union Street to Front Street	Collector (4)	30,000	0.54	16,053	0.54	C	0.00
	Front Street to First Avenue	Collector (4)	30,000	0.69	20,677	0.69	D	0.00
State Street	Ash Street to A Street	Local one-way (3)	10,000	0.22	2,164	0.22	A	0.00
	B Street to C Street	Local one-way (3)	10,000	0.38	3,157	0.32	A	-0.06
	C Street to Broadway	Local one-way (3)	10,000	0.32	3,131	0.31	A	-0.01
Front Street	Ash Street to A Street	Major one-way (3)	25,000	0.64	15,922	0.64	C	0.00
	A Street to B Street	Major one-way (3)	25,000	0.58	14,429	0.58	C	0.00
1st Avenue	Ash Street to A Street	Major one-way (3)	25,000	0.79	19,667	0.79	C	0.00
	A Street to B Street	Major one-way (3)	25,000	0.63	15,746	0.63	C	0.00

Note: Deficient roadway segment operation shown in **bold**. V/C = Volume to Capacity ratio

1 **Existing Plus Project Plus Cumulative**

2 Cumulative conditions evaluate traffic operations at Project opening year. To complete this
 3 analysis, a list of projects was compiled that are approved or are pending approval and are
 4 anticipated to be occupied by Project opening Year 2016 according to CCDC's Downtown
 5 Community Plan. After discussing the Project with CCDC's staff, analysts determined that
 6 the development of many of the projects is uncertain, but the development was considered
 7 in the recent update in the Downtown Community Plan. Therefore, analysts determined the
 8 Year 2016 traffic volumes using an annualized growth rate factor based on the forecast
 9 change in volume from 2010 to 2030. *Figure 4.15-10, Figure 4.15-12, and Figure 4.15-13*
 10 illustrate the traffic volumes and turning movements under the cumulative, existing plus
 11 cumulative, and Existing plus Project plus cumulative conditions. *Figure 4.15-11* illustrates
 12 likely traffic distribution associated with the reuse of the Madge Bradley and Family Law
 13 buildings.

14 To establish the baseline Year 2016 conditions, analysts applied the growth rate factor to the
 15 existing traffic volumes. Existing plus Cumulative AM peak hour and ADT volumes are
 16 illustrated in *Figure 4.15-12*. Using these volumes and existing intersection geometry and
 17 traffic control, analysts evaluated Year 2016 baseline conditions. *Figure 4.15-12* and *Table*
 18 *4.15-15: Cumulative Conditions – Roadway ADT Volumes and LOS*, present the results of the
 19 intersection and roadway segment operational analysis, respectively.

20 Analysts added the Project's traffic to the baseline 2016 volumes to evaluate the impacts in
 21 the Project's opening year. *Figure 4.15-13* illustrates the "Existing Plus Cumulative Plus
 22 Project" conditions. As shown in *Figure 4.15-13* and *Table 4.15-15*, results indicate that all
 23 intersections and roadway segments will operate at an acceptable level of service by Year
 24 2016; refer to *Appendix H, Traffic Impact Analysis Report - "Cumulative Conditions Level of*
 25 *Service Worksheets."* Therefore, the AOC concludes that cumulative traffic impacts are less
 26 than significant.

27 Mitigation Measures: None required.

28 Table 4.15-14: Cumulative Conditions – Intersection LOS AM Peak Hour

Study Intersection	Control	No Project		With Project		Change in Delay
		AM Peak Hour Delay - LOS		AM Peak Hour Delay - LOS		AM Peak Hour
Ash Street / Union Street	S	6.3	A	6.6	A	0.3
Ash Street / Front Street	S	20.4	C	20.6	C	0.2
First Avenue / A Street	S	17.3	B	17.1	B	-0.2
B Street / State Street	U	9.6	A	9.6	B	0.0
B Street / Union Street	U	10.3	B	10.5	B	0.2

Figure 4.15-14: Existing Parking Lot Locations, continued

Study Intersection	Control	No Project		With Project		Change in Delay
		AM Peak Hour Delay - LOS		AM Peak Hour Delay - LOS		AM Peak Hour
B Street / Front Street	S	6.2	A	6.2	A	0.0
C Street / State Street	U	11.1	B	11.1	C	0.0
C Street / Union Street	U	10.6	B	10.7	B	0.1
Broadway / State Street	S	11.6	B	11.6	B	0.0
Broadway / Union Street	S	15.55.7	B	16.3	B	0.5

1 Note: Deficient intersection operation shown in bold

Control: S= signalized , U= unsignalized

1
2

Table 4.15-15: Cumulative Conditions – Roadway ADT Volumes and LOS

Roadway	Location	Class (# Lanes)	LOS E Capacity	Existing Plus Cumulative ADT	Existing Plus Cumulative Plus Project			Change in V/C
					ADT	V/C	LOS	
Ash Street	Columbia Street to State Street	Major one-way (3)	25,000	12,803	12,674	0.51	B	-0.01
	State Street to Union Street	Major one-way (3)	25,000	13,185	13,056	0.52	B	-0.01
	Union Street to Front Street	Major one-way (3)	25,000	14,693	14,397	0.58	C	-0.01
	Front Street to First Avenue	Major one-way (3)	25,000	16,498	16,304	0.65	C	-0.01
A Street	Columbia Street to State Street	Major one-way (3)	25,000	10,324	10,298	0.41	B	0.00
	State Street to Union Street	Major one-way (3)	25,000	9,780	9,446	0.38	A	-0.01
	Union Street to Front Street	Major one-way (3)	25,000	12,895	12,599	0.50	B	-0.01
	Front Street to First Avenue	Major one-way (3)	25,000	14,332	14,139	0.57	C	-0.01
B Street	Columbia Street to State Street	Local (2)	8,000	5,683	5,555	0.69	D	-0.02
	State Street to Union Street	Local (2)	8,000	5,869	5,586	0.70	D	-0.04
	Union Street to Front Street	Local (2)	8,000	4,320	4,127	0.52	C	-0.02

Table 4.15-15: Cumulative Conditions – Roadway ADT Volumes and LOS, continued

Roadway	Location	Class (# Lanes)	LOS E Capacity	Existing Plus Cumulative ADT	Existing Plus Cumulative Plus Project			Change in V/C
					ADT	V/C	LOS	
C Street	Columbia Street to State Street	Local one-way (2)	8,000	1,384	1,152	0.14	A	-0.03
Broadway	Kettner Blvd. to India Street	Collector (4)	30,000	16,465	16,414	0.55	C	0.00
	Union Street to Front Street	Collector (4)	30,000	18,400	18,323	0.61	C	0.00
	Front Street to First Avenue	Collector (4)	30,000	23,174	23,097	0.77	D	0.00
State Street	Ash Street to A Street	Local one-way (3)	10,000	2,642	2,616	0.26	A	0.00
	B Street to C Street	Local one-way (3)	10,000	3,857	3,214	0.32	A	-0.06
	C Street to Broadway	Local one-way (3)	10,000	3,779	3,689	0.37	A	-0.01
Front Street	Ash Street to A Street	Major one-way (3)	25,000	17,198	17,095	0.68	C	0.00
	A Street to B Street	Major one-way (3)	25,000	14,669	14,566	0.58	C	0.00
1st Avenue	Ash Street to A Street	Major one-way (3)	25,000	20,186	19,993	0.80	C	-0.01
	A Street to B Street	Major one-way (3)	25,000	16,426	16,323	0.65	D	0.00

Note: Deficient roadway segment operation shown in **bold**. V/C = Volume to Capacity ratio

1 4.15.4.2 Congestion Management Service Standard

2 **Potential Impact:** Will the Project exceed a level of service standard established by the
3 county congestion management agency for designated roads or highways?

4 **Less than Significant Impact.**

5 As indicated in *Table 4.15-13: Existing Plus Project Roadway ADT Volumes and LOS*, the level
6 of service estimates will generally be at LOS C or better are not expected to create
7 unacceptable level of service conditions based on the City's traffic levels of service
8 standards. The Broadway segment from Front Street to First Avenue will have LOS D,
9 which is an acceptable level of service according to the City's standards. Therefore, impacts
10 are less than significant.

11 Mitigation Measures: None required.

12 4.15.4.3 Air Traffic Patterns

13 **Potential Impact:** Will the Project produce a change in air traffic patterns, including
14 either an increase in traffic levels or a change in location that results in
15 substantial safety risks?

16 **No Impact.**

17 The Project will not generate air traffic and will not change existing air traffic patterns. No
18 impact will occur.

19 Mitigation Measures: None required.

20 4.15.4.4 Hazards Posed by Design Features

21 **Potential Impact:** Will the Project substantially increase hazards because of a design
22 feature (such as sharp curves or dangerous intersections) or incompatible
23 uses?

24 **Less than Significant Impact.**

25 The new courthouse design will conform to the California Building Code and will be
26 generally consistent with City's design standards. Therefore, the Project will not include any
27 increased hazards related to a design feature. As a result, there will be no significant
28 impacts related to the building's design.

29 In addition, the Project design does not include new or alterations to existing intersections
30 that will increase hazards in the area. Although operations of the Project will incrementally
31 increase pedestrian traffic in the area, adequate intersections including either signals or

1 four-way stop control are located around the Project site. As a result, there will be no
2 significant impacts related to the Project's design.

3 Mitigation Measures: None Required.

4 4.15.4.5 Emergency Access

5 **Potential Impact:** Will the Project result in inadequate emergency access?

6 **Less than Significant Impact.**

7 The AOC's tunneling construction operations will require lane closures between B Street
8 and C Street on Front Street. Since the City's Central Fire Station has driveways on B Street
9 between Front Street and 1st Avenue, the AOC and its construction contractor will consult
10 with the City and the Fire Department to plan and implement potential lane closures for the
11 tunneling operations.

12 The Project does not include closure of any public through street that is currently used for
13 emergency services and will not interfere with the adopted emergency response plan. The
14 Superior Court, the City's Police and the Fire Departments, and the County Sheriff will
15 review plans to ensure emergency access. The AOC's development of the Project site will be
16 generally consistent with recommendations of the reviewers. The AOC concludes that the
17 Project's impacts on emergency access will be less than significant.

18 Mitigation Measures: None required.

19 4.15.4.6 Parking Supply

20 **Potential Impact:** Will the Project cause a substantial shortage of parking spaces?

21 **Less than Significant Impact.**

22 Construction of the new courthouse will displace a public parking lot (181 spaces) and
23 temporarily use part of another parking lot for a staging area. The AOC will also demolish
24 the County Courthouse and Old Jail, which provide parking spaces for County of San Diego
25 employees and Sheriff. Closure and demolition of the County Courthouse will eliminate 43
26 County-reserved parking spaces and one Superior Court-reserved parking space, but the
27 Superior Court's relinquishment of 66 spaces on the east side of the County-owned block
28 between State Street, A Street, Union Street, and B Street frees 66 parking spaces for the
29 County's use and increases the County's parking spaces by 23 parking spaces.

30 The removal of the Stahlman Block's buildings and the Old Jail will reduce parking demand
31 in the study area. As noted previously, demolition of the Stahlman Block's buildings will
32 eliminate approximately 120 a.m. peak hour trips, and demolition of the Old Jail will
33 eliminate approximately 65 a.m. peak hour trips. The AOC estimates that elimination of
34 these trips will eliminate demand for approximately 175 parking spaces.

1 The Superior Court will vacate use of 66 parking spaces on the County-owned block
2 between State Street, A Street, Union Street, and B Street and one space in the County
3 Courthouse. The new courthouse will provide approximately 115 secured underground
4 parking spaces for judges and court staff. The new courthouse's parking capacity eliminates
5 part of the parking demand associated with the Superior Court's consolidation of its Madge
6 Bradley and Family Law operations, the Kearney Mesa courtroom, and the new courtroom.

7 To determine the existing parking available in the Project vicinity, analysts conducted an
8 inventory of available public parking near the proposed courthouse site. The inventory
9 revealed that there are more than 2,620 public off-street parking spaces within a three-block
10 radius of the Project site. *Figure 4.15-3: Public Parking and Building Locations*, illustrates the
11 location of the surface parking lots surveyed for the Project. The parking spaces are in
12 surface parking lots (874 spaces) and public parking structures (1,746 spaces). *Table 4.15-3:*
13 *Occupancy Survey - Surface Parking Lots in Immediate Vicinity of Project Site*, provides a lot-by-
14 lot tabulation of the available parking spaces.

15 The Superior Court does not provide onsite parking for jurors, visitors, and most of the
16 Superior Court's staff. Most courts require jurors and staff to report prior to 9:00 a.m. At 8:30
17 a.m., when a large portion of trips will arrive to the County Courthouse vicinity, analysts
18 observed that approximately 395 spaces (45%) were unoccupied.

19 As explained in Section 4.15.2.1, the trip generation analysis projected that the Project will
20 have 136 new inbound a.m. peak period trips. For this analysis, the AOC assumes that 11 of
21 these trips are judges or key personnel who will park onsite in the new courthouse's
22 available approximately 115 spaces. Therefore, the Project's adjusted a.m. peak period
23 demand for offsite parking is 125 vehicles.

24 Based on analysts' counts of available public parking spaces within three blocks and the
25 analysts' survey of vacancy rates for the parking spaces, the AOC concludes that existing
26 available surface parking lots will have sufficient capacity to accommodate the Project's
27 additional parking. The AOC also notes that the public parking is also available in the
28 surrounding parking structures and in parking lots outside the three-block radius.
29 Therefore, the AOC concludes sufficient parking capacity is available to serve the Project,
30 and potential parking impacts are less than significant.

31 Mitigation Measures: None required.

32 4.15.4.7 Existing Alternative Transportation Policies

33 **Potential Impact:** Will the Project conflict with adopted policies, plans, or programs
34 supporting alternative transportation (such as bus turnouts, bicycle racks)?

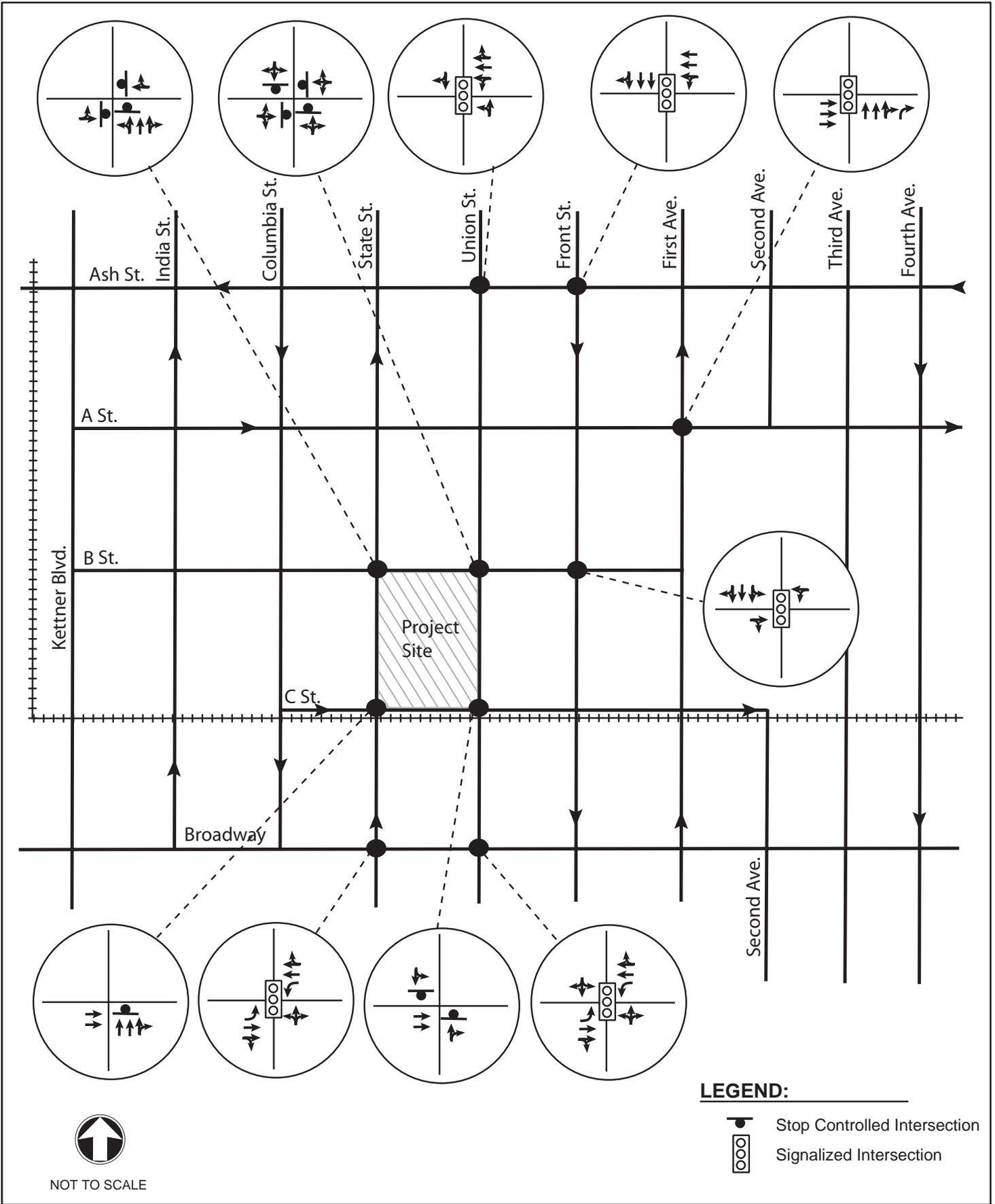
35 **Less than Significant Impact.**

1 Regional Transit System buses currently park in on-street parking spaces on the eastern side
2 of Front Street and south side of "B" Street that are adjacent to the Project site. As the
3 Project's security measures will limit all adjacent on-street parking spaces to use by law
4 enforcement vehicles, the Project will eliminate the Regional Transit System's on-street bus
5 waiting spaces; however, this will not impact the riders of the transit system. Therefore, the
6 Project will not conflict with adopted policies, plans, or programs supporting alternative
7 transportation.

8 The Project site is approximately one-quarter mile from San Diego Union Station which is
9 the City of San Diego downtown transit center with access to Amtrak, the San Diego
10 Coaster, the San Diego Trolley, and the San Diego Metropolitan Transit System bus system.
11 Bus routes that serve the area of the existing and proposed court building include Routes 2,
12 11, 923, and 992, with bus stops on Broadway and Union Street, and Broadway and Front
13 Street. Due to the proximity of the Project to alternative transportation systems, the Project
14 will not conflict with adopted policies, plans, or programs supporting alternative
15 transportation.

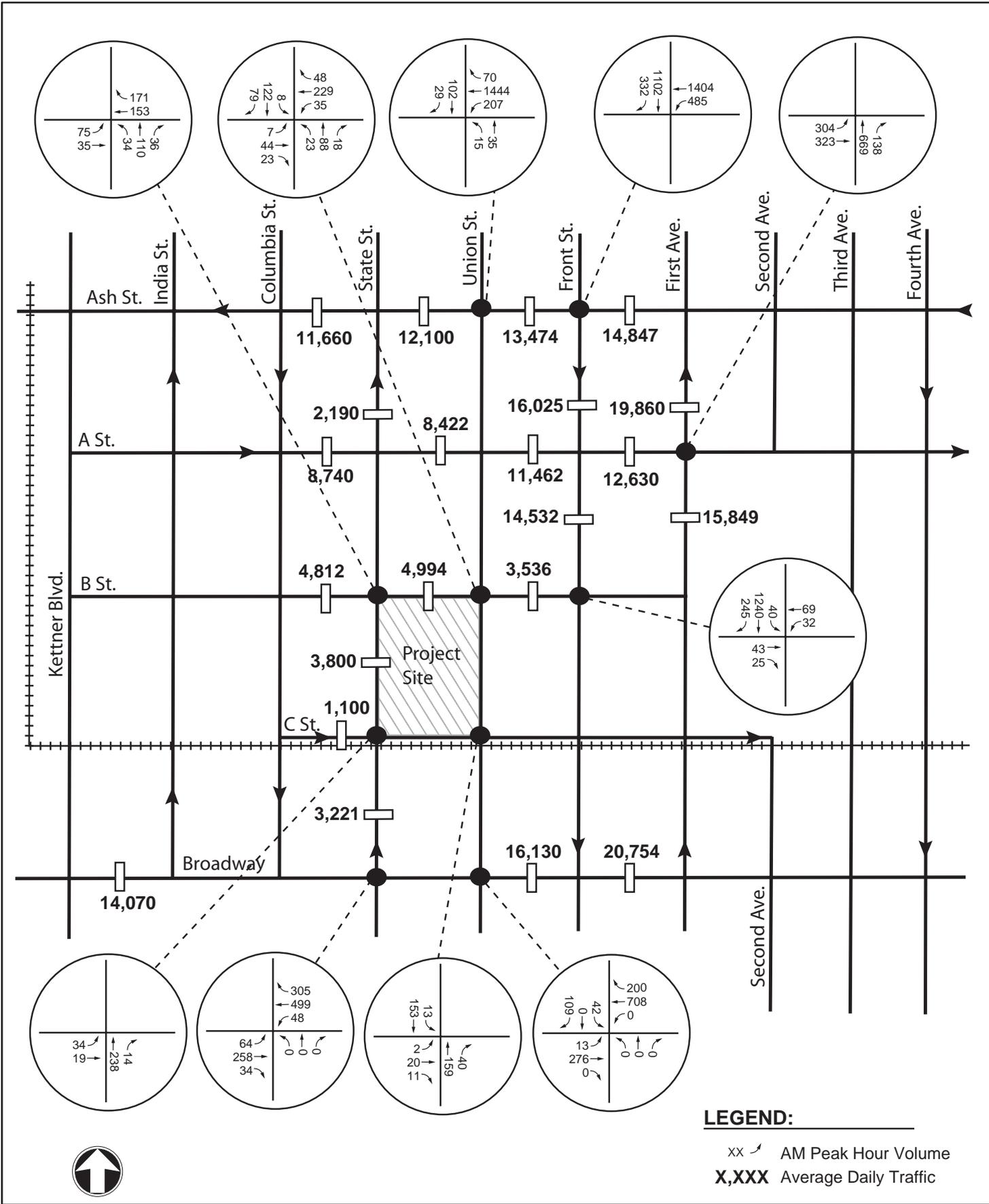
16 As previously discussed, approximately 33 percent of employees and 32 percent of jurors
17 traveling to the courthouse typically utilize alternative transportation consisting of public
18 transit, biking, or walking. An additional 16 percent of employees and nine percent of jurors
19 will likely either vanpool or carpool to the courthouse. The San Diego County Court also
20 offers complimentary transit passes to jurors for their days of jury service. Therefore, the
21 Project will not conflict with adopted policies, plans, or programs supporting alternative
22 transportation.

23 Mitigation Measures: None required.
24



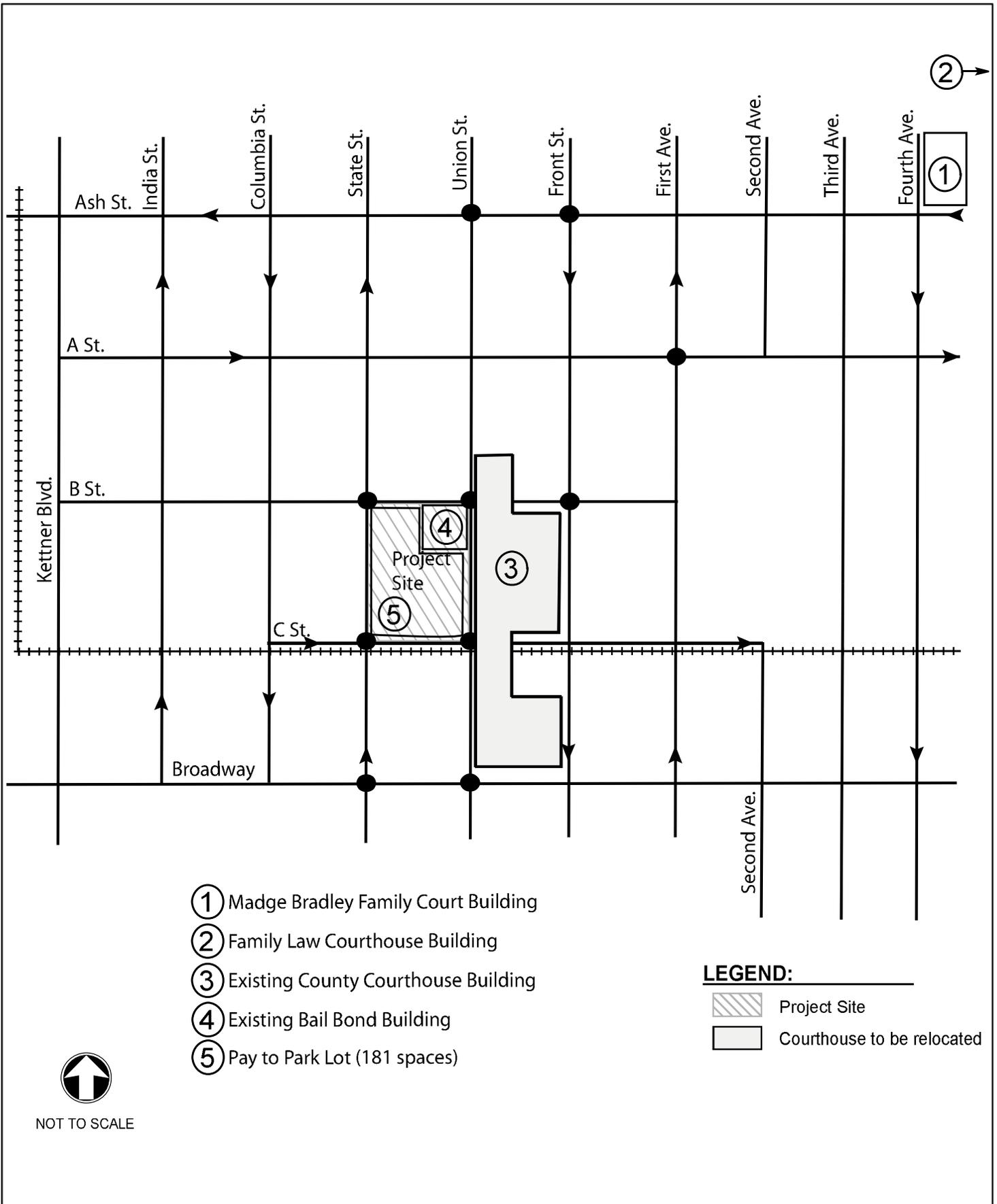
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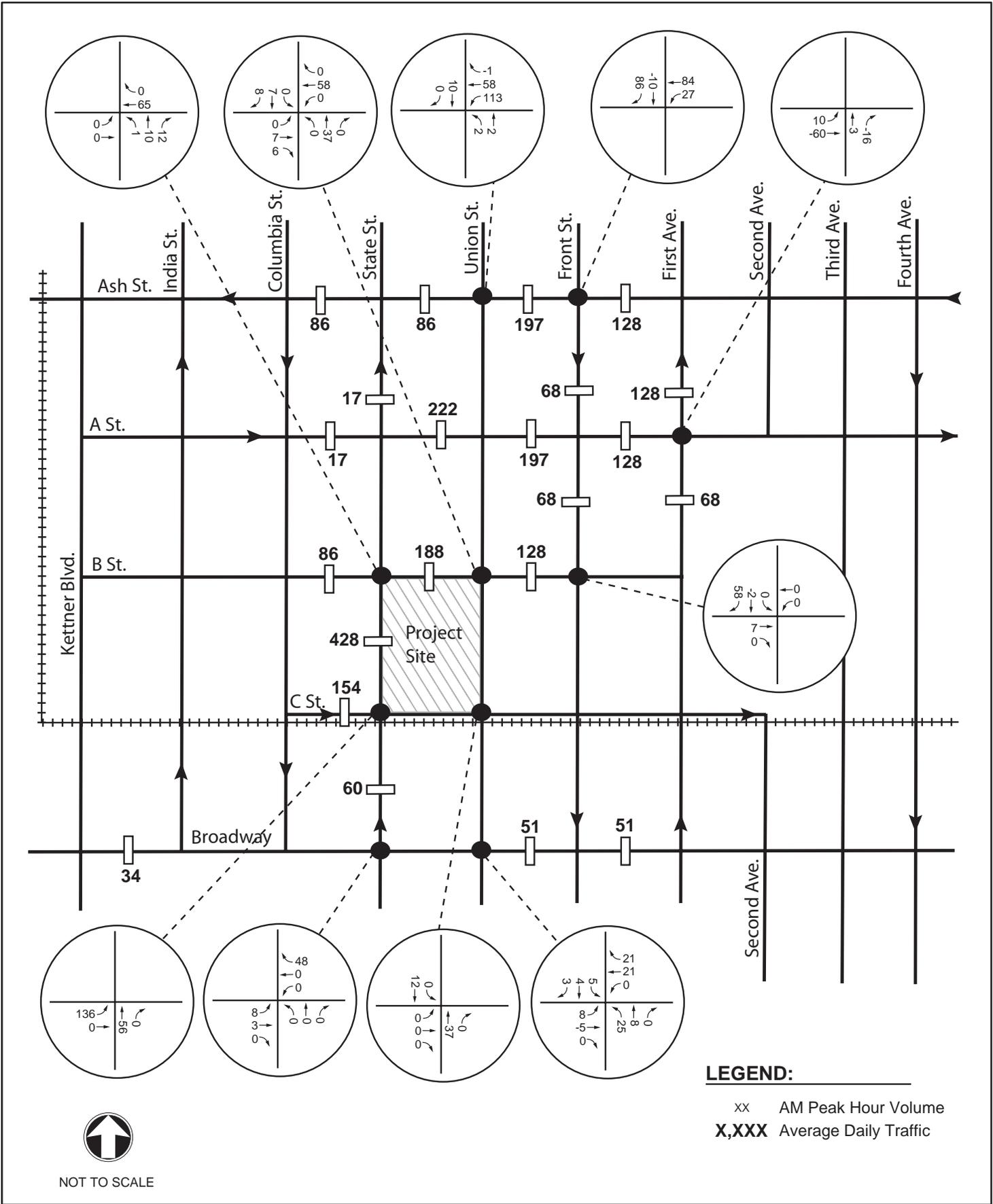
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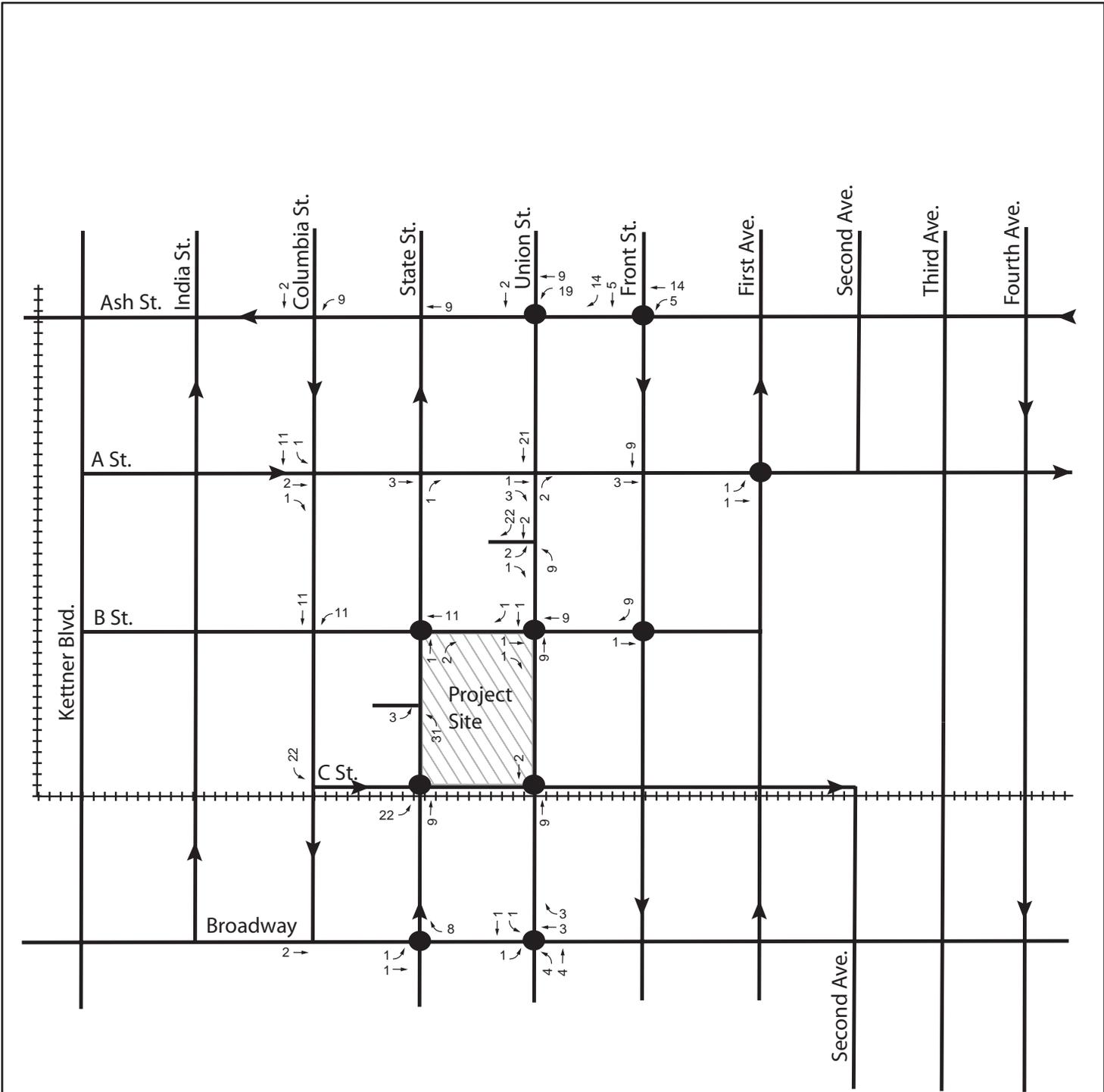
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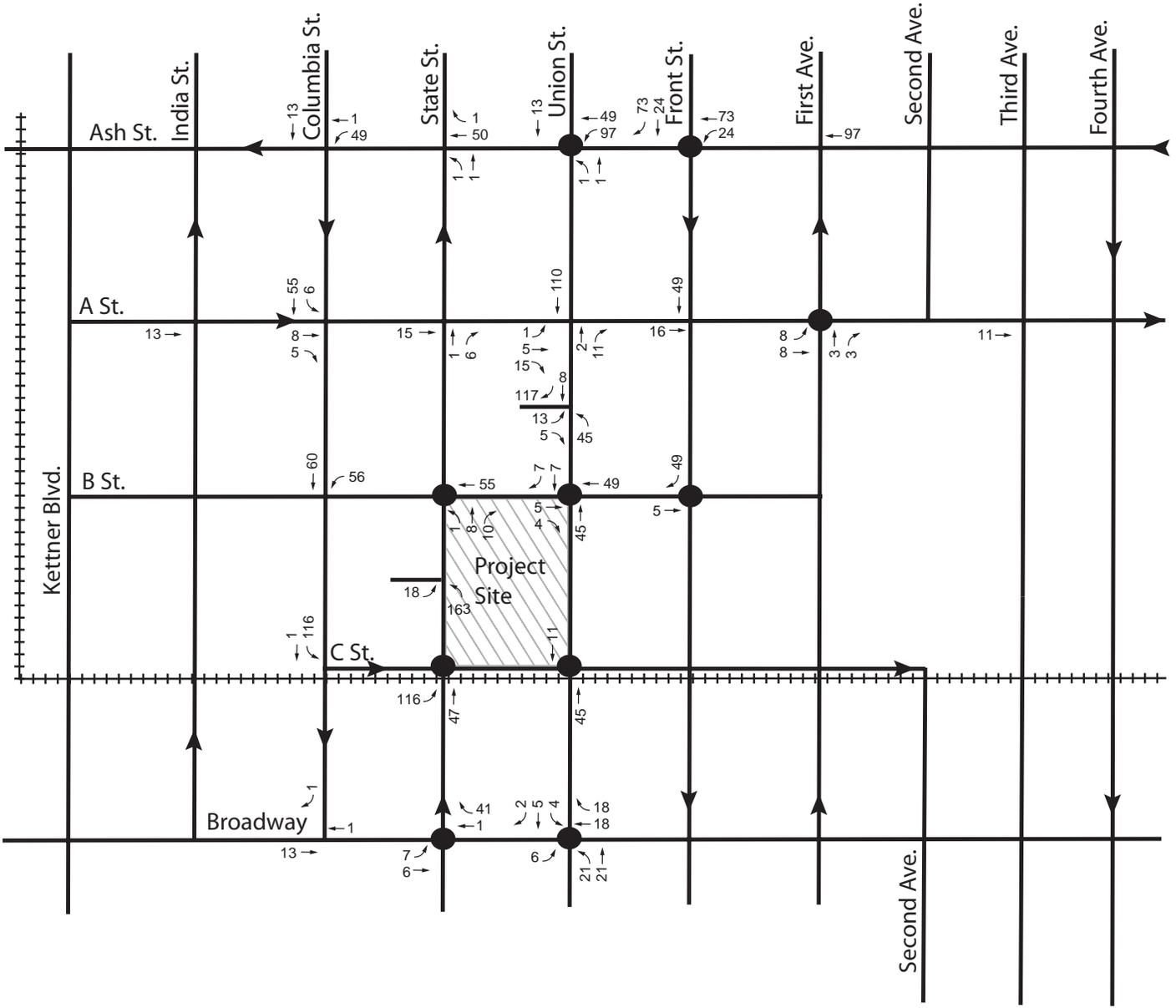
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NEW TRIP ASSIGNMENT

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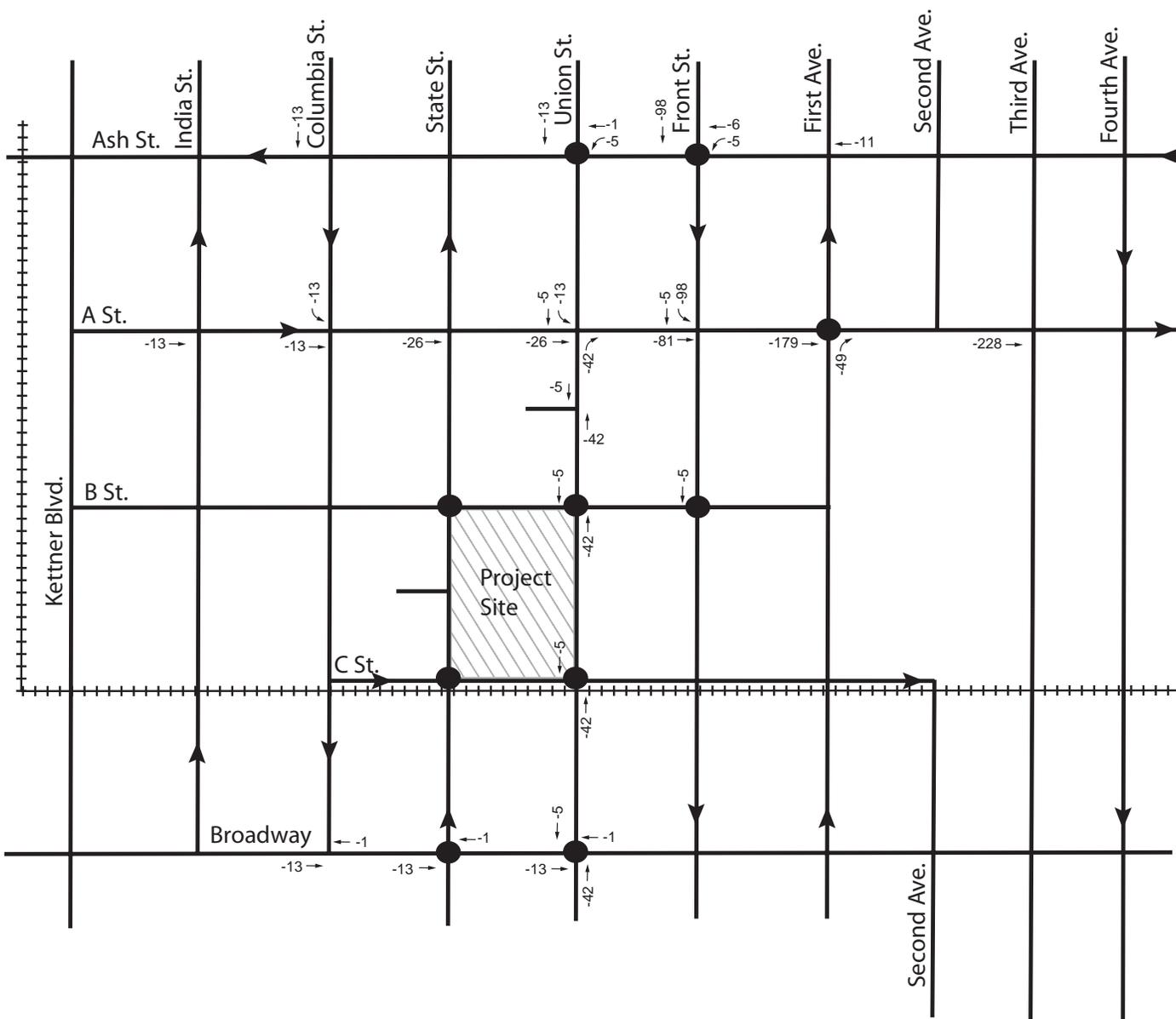


NEW SAN DIEGO
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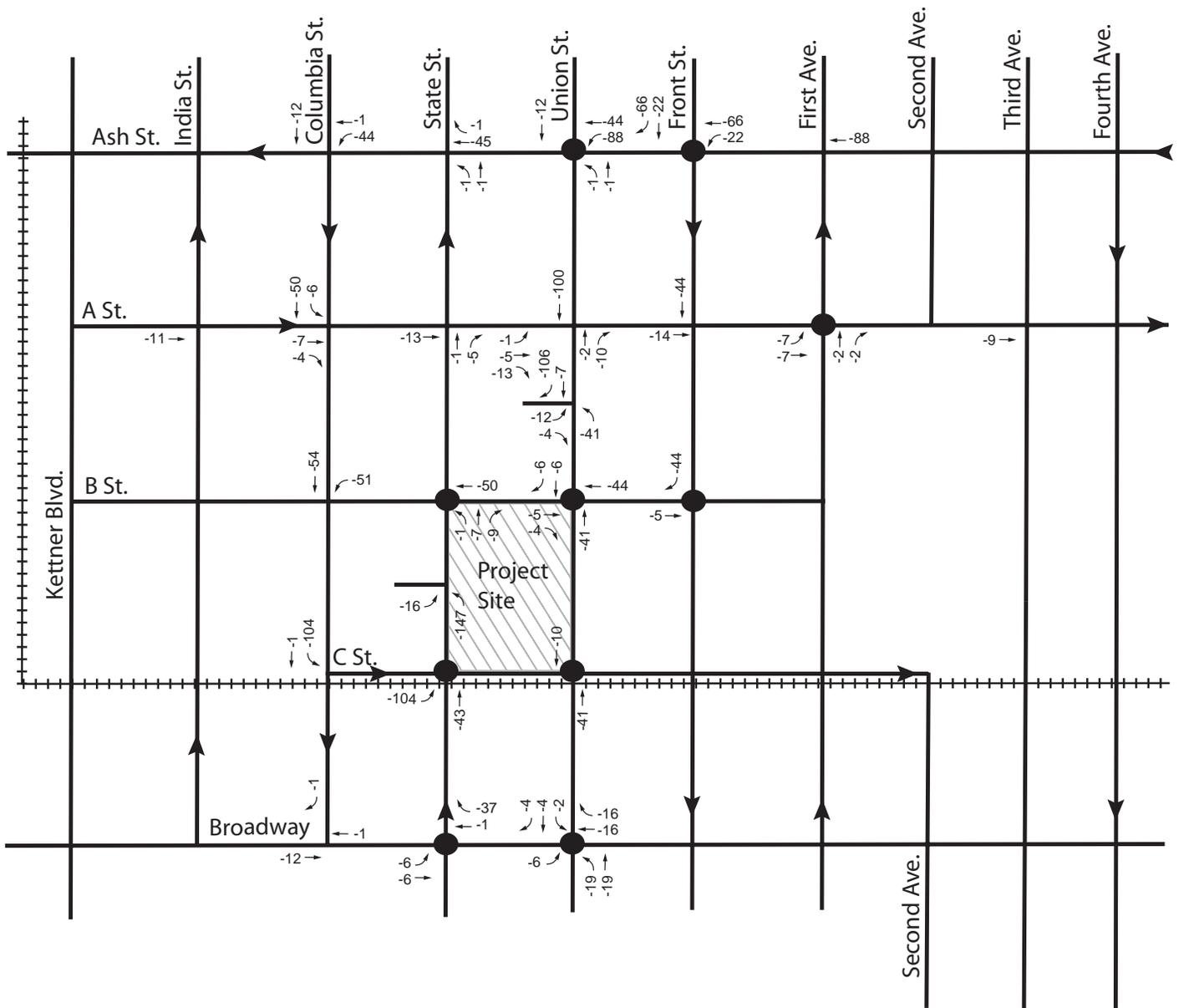
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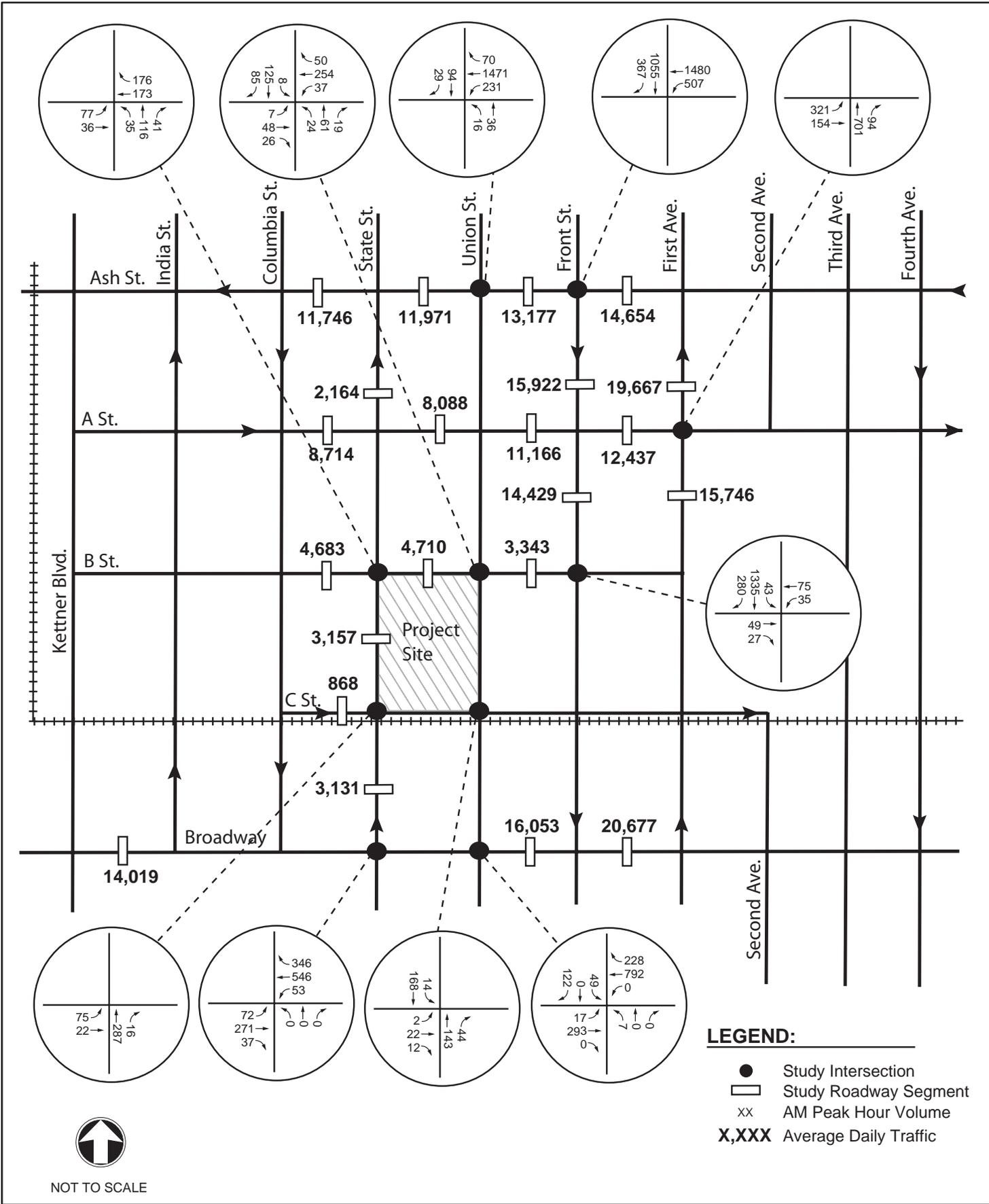


NEW SAN DIEGO CENTRAL COURTHOUSE

REMOVAL OF OLD JAIL, COUNTY COURTHOUSE USES WITHIN EXISTING COURTHOUSE, AND EXISTING OFFICE BUILDINGS ON PROPOSED SITE

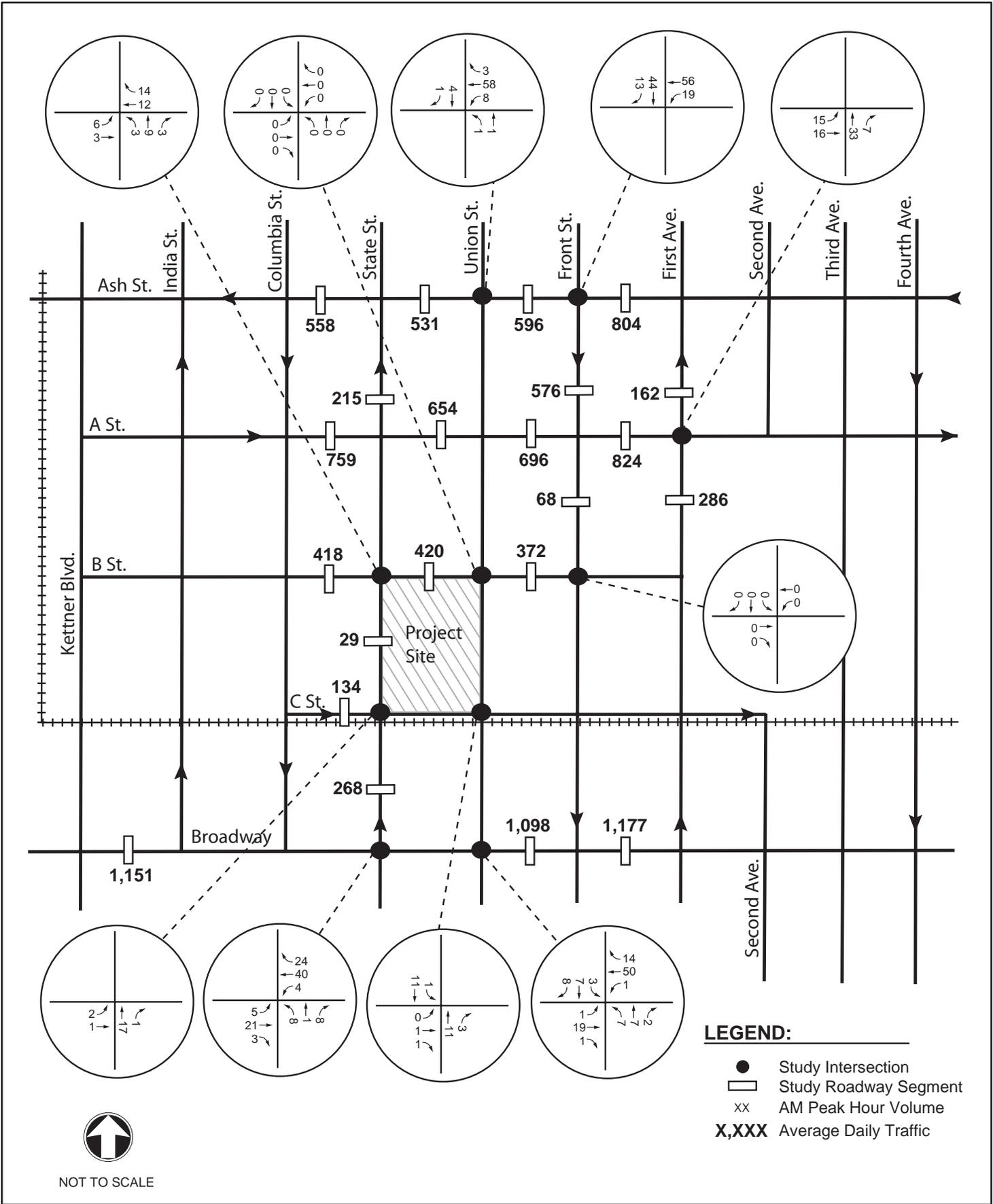
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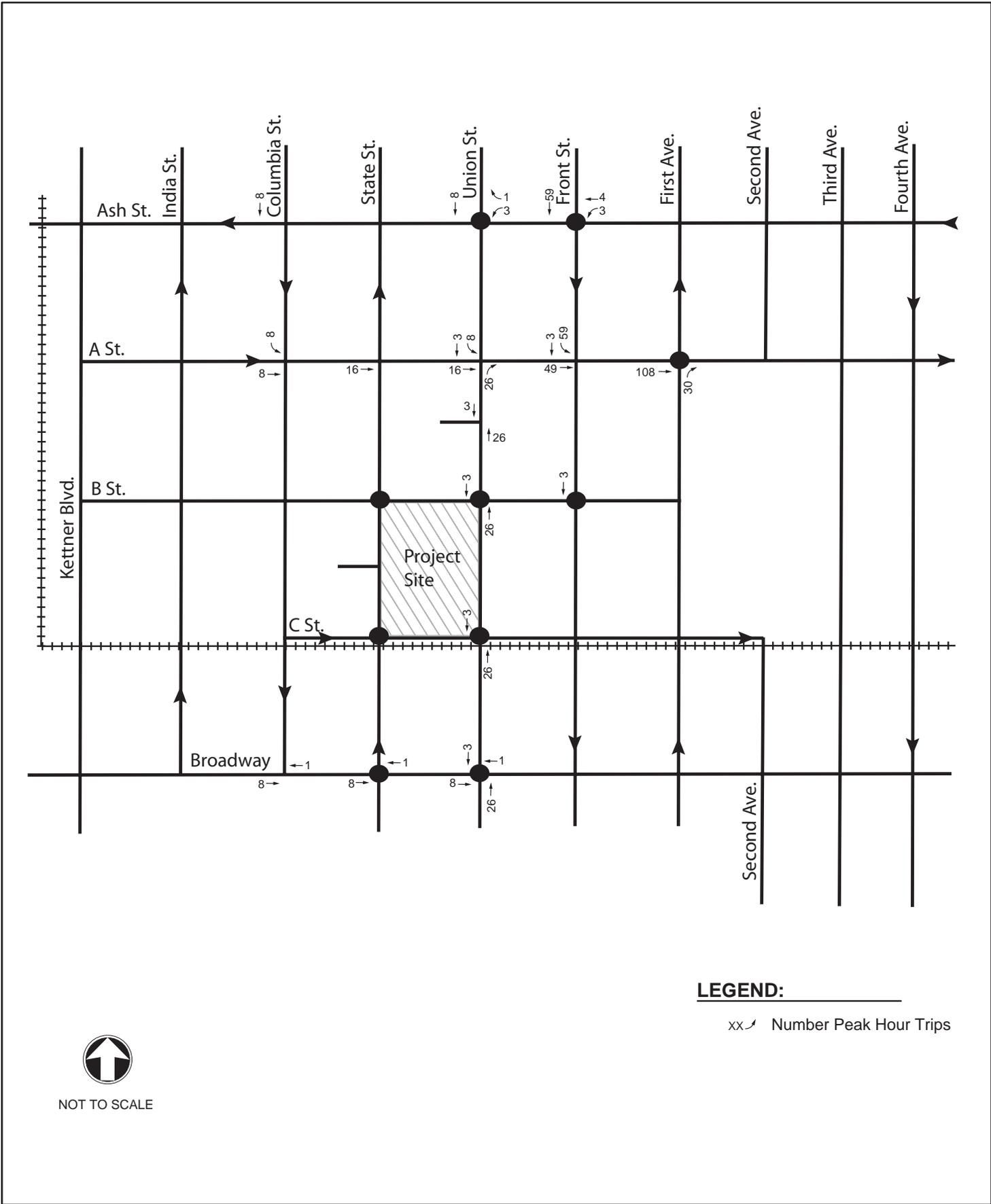
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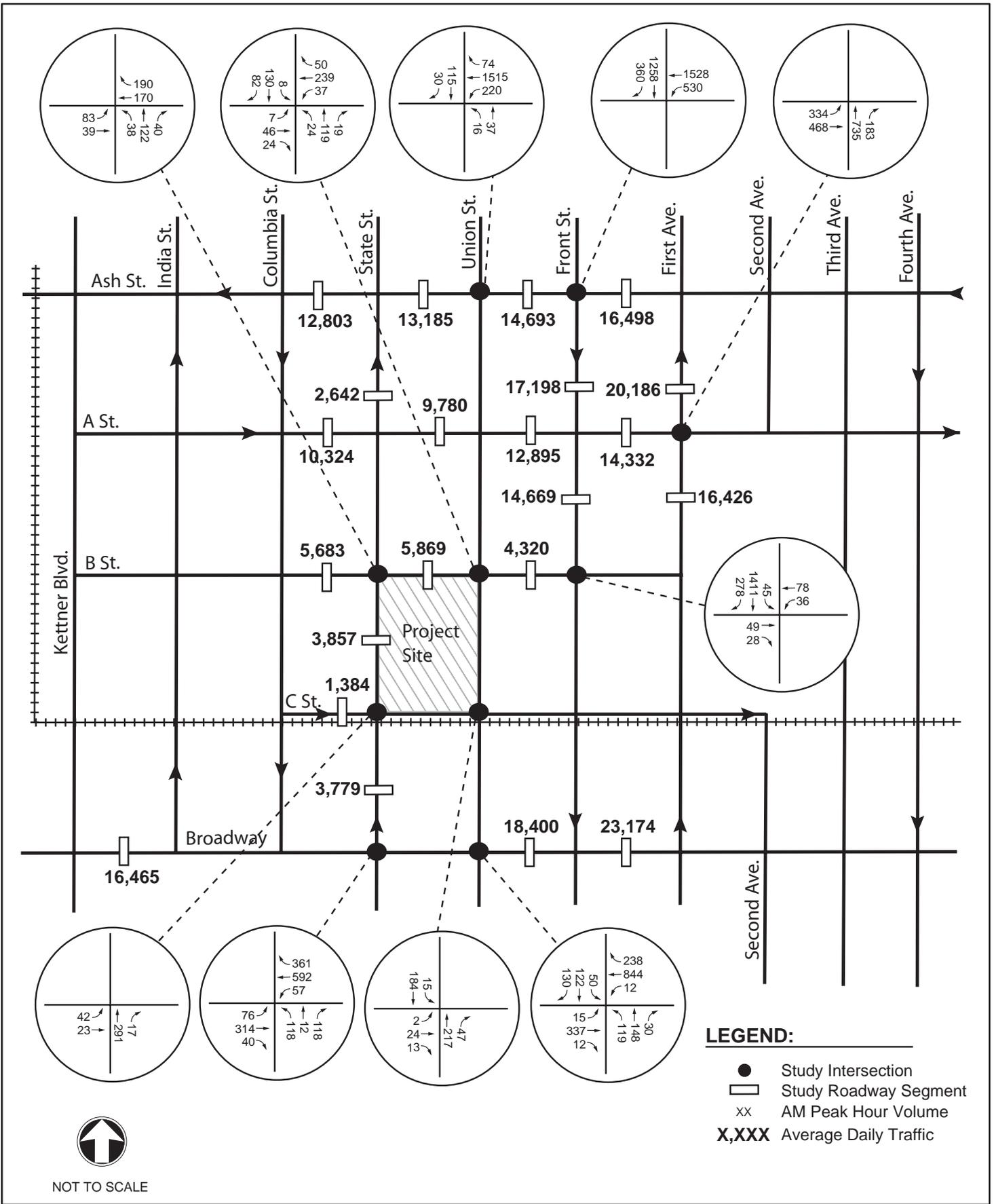
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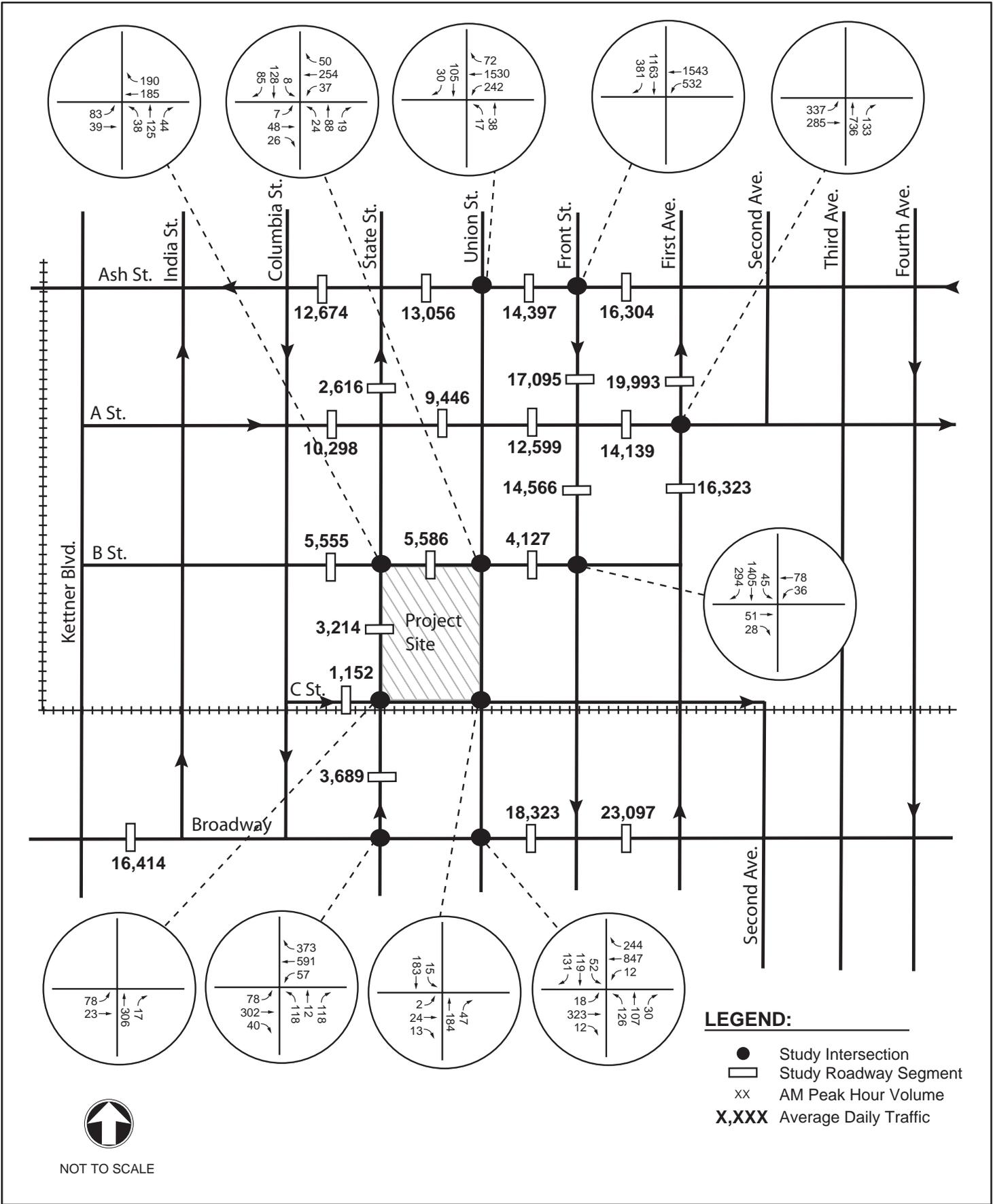
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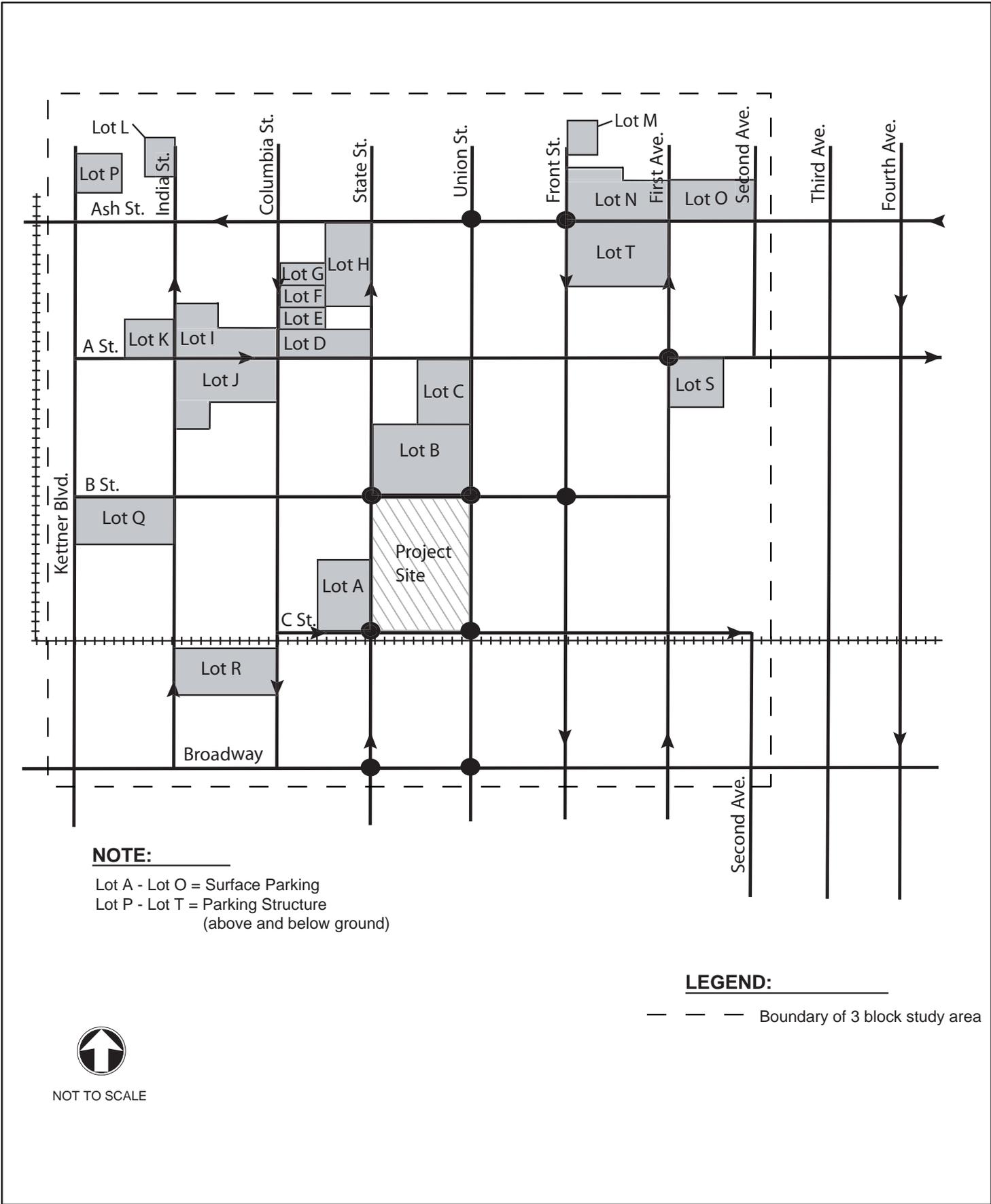
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4.16 UTILITIES AND SERVICE SYSTEMS

This section evaluates the Project's potential impacts on utilities and service systems.

4.16.1 Environmental Setting

The Project site is in downtown San Diego, which is a highly urbanized area. Three buildings occupy the northeast portion of the site and front onto Union Street; the remainder of the site is a paved surface parking lot. Public water and wastewater treatment service, as well as electricity, gas, telephone, and telecommunications services are currently available and provided to the existing onsite uses. The City, through a contract with a private company, currently provides trash collection services for the site.

4.16.1.1 Water

The City and other local water distributors formed the San Diego County Water Authority to allow for the purchase of available Colorado River water supplies from the Metropolitan Water District of Southern California and conveying it for sale and use within San Diego County. In addition, the City maintains connections to and from other water agencies, including the Santa Fe Irrigation District, the Poway Municipal Water District, the Otay Water District, the California American Water Company, and the Sweetwater Authority, for use in emergency or drought situations.¹ The San Diego County Water Authority, which acts as a wholesale agency to provide available imported water to its member agencies, purchases up to 90 percent of the water provided within the City's service area.

On an annual basis, the City treats and delivers over 200,000 acre-feet of water to its approximately 1.3 million residents. The City's potable water system provides for a service area of approximately 330 square miles, which includes the City and surrounding areas, and includes both retail and wholesale customers. To date, the City has been able to maintain a reliable water supply due to imported and stored water supplies from the Colorado River and Northern California. Although the City does not have direct control over the quantity of imported water, it is a member agency of the San Diego County Water Authority, which is responsible for securing the regional water supply from the Metropolitan Water District of Southern California.

Currently, the City's water system generally consists of nine surface water reservoirs, three water treatment plants, treated water storage facilities, and more than 3,460 miles of

¹ City of San Diego website. <http://www.sandiego.gov/water/gen-info/overview.shtml>. Accessed May 2010.

1 transmission and distribution lines. The City's three water treatment plants have an
2 approximate combined total rated capacity of 294 million gallons per day. The City also
3 maintains and operates 32 storage facilities for treated water supplies, with capacities
4 varying from less than one million gallons to approximately 35 million gallons.²

5 The City also maintains a recycled water use program to maximize the efficient use of local
6 water supplies, reduce reliance on imported water, and allow for greater capacity in the
7 potable water system. Recycled water provides a reliable, year-round, locally produced, and
8 controlled water resource. The City's recycled water program does not provide recycled
9 water in the downtown area.³

10 4.16.1.2 Wastewater

11 The City is in the jurisdiction of the San Diego Regional Water Quality Control Board. The
12 City's wastewater system provides regional wastewater treatment and disposal services for
13 the City as well as for 15 additional cities and districts within an approximately 450-square
14 mile service area that ranges from Del Mar in the north, to Alpine and Lakeside in the east,
15 and south to the U.S. and Mexico border. The system serves a population of over 2.1 million
16 persons and is designed to accommodate regional growth. Currently, an average of 180
17 million gallons of wastewater is treated per day.⁴ In addition, the City is responsible for the
18 operation and maintenance of the 3,000-mile Municipal Sewerage Collection System within
19 the City boundaries.⁵

20 The City's Metropolitan Wastewater System provides wastewater collection, treatment, and
21 disposal service within the City limits. The City owns and operates the wastewater
22 collection and transmission system, which is comprised of sewer collectors, trunk sewers,
23 lift stations, and force mains. The City is responsible for maintenance and upkeep of the
24 system, which is funded by sewer service charges and connection fees. The City operates the
25 Point Loma Sewage Treatment Plant, which treats and disposes wastewater for the City and
26 15 other cities and special districts within the 450 square-mile service area.⁶

27 The Point Loma Wastewater Treatment Plant treats approximately 175 million gallons of
28 wastewater per day generated in the 450 square-mile area by more than 2.2 million
29 residents. Located on a 40-acre site in the community of Point Loma, the plant has a
30 treatment capacity of 240 million gallons per day. The City also operates the South Bay
31 Water Reclamation Plant (2411 Dairy Mart Road, San Diego, 92154), which provides

² City of San Diego General Plan - Public Facilities, Services and Safety Element. Adopted March 2008.

³ See <http://www.sandiego.gov/water/recycled/availability.shtml> for a map of the City's reclamation water distribution system.

⁴ City of San Diego Draft General Plan Final Program EIR. September 2007.

⁵ City of San Diego General Plan - Public Facilities, Services and Safety Element. Adopted March 2008.

⁶ City of San Diego General Plan - Public Facilities, Services and Safety Element. Adopted March 2008.

1 wastewater treatment and reclaimed water to the South Bay, and the North City Water
2 Reclamation Plan (4949 Eastgate Mall, San Diego, 92121), which treats wastewater generated
3 by northern San Diego communities. Treated effluent is released into the Pacific Ocean
4 through two existing ocean outfalls. Remnant solids from the City's wastewater treatment
5 plants are processed at the Metro Biosolids Center, located at the Marine Corps Air Station,
6 Miramar. The City constructed the two water reclamation plants, the biosolids treatment
7 facility, and several pump stations, and provided major upgrades at the Point Loma Plant
8 during the 1990's to address the City's growing wastewater treatment needs. Combined, the
9 Point Loma Treatment Plant and two reclamation plants have the capacity to treat
10 approximately 285 million gallons of wastewater per day, which is considered sufficient to
11 meet the projected needs of the service area through at least 2020.⁷ Reclaimed water from
12 the two reclamation plants also supports the City's intent to reduce future dependence on
13 imported water by diversifying available water supply sources.

14 4.16.1.3 Electricity

15 San Diego Gas and Electric currently provides electrical service to the Project site. San Diego
16 Gas and Electric provides energy service to approximately 3.3 million consumers through
17 1.3 million electric meters throughout San Diego and southern Orange Counties.⁸ San Diego
18 Gas and Electric will continue to maintain existing facilities following Project
19 implementation.

20 4.16.1.4 Natural Gas

21 San Diego Gas and Electric currently provides natural gas service to the Project site. San
22 Diego Gas and Electric provides energy service to approximately 3.3 million consumers
23 through 800,000 natural gas meters throughout San Diego and southern Orange Counties.⁹
24 San Diego Gas and Electric will continue to maintain existing facilities following Project
25 implementation.

26 4.16.1.5 Telephone/Telecommunications

27 AT&T is the largest telecommunications company in the nation that provides integrated
28 communications and entertainment services, including Internet Protocol (IP)-based network
29 capabilities that integrate voice, data, and video. Cox Communications and Time Warner
30 Cable are the major providers of communications networks and cable television programs

⁷ City of San Diego Draft General Plan Final Program EIR. September 2007.

⁸ City of San Diego Draft General Plan Final Program EIR. September 2007.

⁹ City of San Diego Draft General Plan Final Program EIR. September 2007.

1 within the City. These providers offer cable, high-speed internet, and digital telephone
2 services.¹⁰

3 AT&T will provide telephone service for the Project. Service will continue from these
4 providers, or another provider if appropriate, following Project implementation.

5 4.16.1.6 Utilities Undergrounding

6 The City of San Diego has actively been undergrounding utility lines since 1970. Annually,
7 approximately 30-35 miles of overhead utility lines are undergrounded within the City.¹¹

8 The City's Utilities Undergrounding Program consists of two types of projects. The first type
9 involves San Diego Gas and Electric's Rule 20 (or SBC Tariff 32) projects that are required to
10 meet certain criteria with regard to public benefit, consistent with the California Public
11 Utility Commission's statewide program. The program generally pertains to overhead lines
12 located along major City streets. The second type of project is known as a surcharge project
13 in which the Project is funded by an increased franchise fee, as authorized by the California
14 Public Utility Commission in Resolution E-3788. Surcharge projects are typically found in
15 residential areas that do not meet Rule 20 criteria.

16 4.16.1.7 Solid Waste Disposal

17 The City's solid waste management strategy is aimed at the prevention of solid waste
18 materials from entering the waste stream through source reduction, recycling, and
19 composting programs. Such efforts are consistent with Federal law under the Resource
20 Conservation and Recovery Act, Subtitle D, and the California's Integrated Waste
21 Management Act. The City's *Source Reduction and Recycling Element* planning document is
22 updated annually and provides measures through which waste reduction efforts are
23 implemented.

24 The San Diego County Integrated Waste Management Plan, Countywide Siting Element,
25 indicates that existing solid waste disposal facilities within the County do not have the
26 necessary permitted throughput rates (the amount of and rate that waste material can enter
27 a waste disposal facility) to accommodate projected regional disposal needs over upcoming
28 decades. Waste that is not diverted to beneficial use is largely disposed of at the Miramar
29 Landfill, which accommodates approximately 1.7 million tons of waste per year.¹² The
30 Miramar Landfill is the City's only active landfill and is expected to operate through 2019;
31 however, operation may continue through 2016 with approval of pending applications to

¹⁰ City of San Diego Draft General Plan Final Program EIR. September 2007.

¹¹ City of San Diego Draft General Plan Final Program EIR. September 2007.

¹² <http://www.sandiego.gov/environmental-services/Miramar>. Accessed August 4, 2010.

1 expand capacity.¹³ Lesser amounts of solid waste are disposed of at other landfills, including
2 two privately operated landfills: the Sycamore Landfill, located within the City limits, and
3 the Otay Landfill, located in the unincorporated area of the County of San Diego. It is
4 currently projected that the Sycamore Landfill will operate through 2033, and the Otay
5 Landfill will operate through 2025.¹⁴

6 As the landfills utilized by the City and the region move toward nearing capacity, they
7 require evaluation for potential expansion, or new potential waste disposal sites must be
8 identified that are capable of accepting waste residuals from collection programs and
9 existing and expanded waste processing facilities. The City is presently evaluating various
10 methods through which to extend the life of the Miramar Landfill and is reevaluating
11 planning for long-term waste management needs through increased diversion and
12 processing facilities, as well as continued capacity for disposal of residual materials.

13 The City of San Diego Environmental Services Department (ESD) has retained an outside
14 consultant to assist in the development of a Long Term Resource Management Strategic
15 Plan to address the City's solid waste needs for the next 25 years. This Long Term Resource
16 Management project consists of two phases. Phase I will include identifying and evaluating
17 options, facilities and technologies, while working with an advisory committee, to address
18 the City's solid waste management needs. Phase II will provide more detailed analysis of
19 select options, development of financial plans, recommendations for policy changes and the
20 development of a Strategic Plan describing and analyzing how to implement these options.¹⁵

21 In addition, the City is required to comply with California Public Resources Code
22 requirements for integrated waste management practices. To reduce potential demand for
23 solid waste disposal services, the City implements waste reduction strategies such as
24 recycling, composting, litter abatement, and reduction of construction- and demolition-
25 generated material. This material creates significant problems when disposed of in landfills.
26 Since construction and demolition debris is heavier than paper and plastic, it is more
27 difficult to reduce the tonnage of disposed waste. For this reason, construction and
28 demolition waste debris has been specifically targeted by the State of California for
29 diversion from the waste stream.

30 On July 1, 2008, the Construction and Demolition Debris Deposit Ordinance took effect. The
31 ordinance requires that the majority of construction, demolition and remodeling projects
32 requiring building, combination and demolition permits pay a refundable C&D Debris
33 Recycling Deposit and divert at least 50% of their debris by recycling, reusing or donating

¹³ City of San Diego Draft General Plan Final Program EIR. September 2007.

¹⁴ City of San Diego General Plan – Public Facilities, Services, and Safety Element. Adopted March 2008.

¹⁵ <http://www.sandiego.gov/environmental-services/geninfo/lwmo.shtml>, accessed August 4, 2010

1 usable materials. The ordinance is designed to keep C&D materials out of local landfills and
2 ensure they get recycled.¹⁶

3 Operation of refuse collection services in the City of San Diego is managed by the
4 Environmental Services Department through a system of collection and franchise
5 agreements to control and manage waste collection. Solid waste disposal service to the
6 Project site will be provided under private contract. Solid waste is transported to the
7 Miramar Landfill, located approximately 10 miles to the north of the Project site.

8 4.16.2 Analytical Framework

9 The AOC anticipates that utilities for the New San Diego Central Courthouse will be the
10 same as those currently provided for the existing courthouse and will include water, sewer,
11 electricity, gas, and telephone and telecommunication services, as well as trash service.
12 Analysts identified service providers and evaluated the ability of providers to provide
13 service for the Project to determine deficiencies and potential impacts. Evaluators
14 considered landfill facilities potentially affected by the Project site in evaluating whether the
15 New San Diego Central Courthouse will significantly impact current or future service
16 capacities.

17 4.16.2.1 Analytical Methodology

18 Analysts reviewed pertinent documents and made a site reconnaissance to identify and
19 record existing environmental conditions on lands affected by the Project, as well as
20 surrounding properties, with regard to utilities and service systems. The evaluation of
21 utilities and public systems on and near the proposed site included review of the following
22 data:

- 23 ▪ City of San Diego General Plan (March 2008);
- 24 ▪ City of San Diego Draft General Plan Final EIR (September 2007);
- 25 ▪ Review of applicable Federal, State, and local legal regulations with regard to
26 utilities and public systems; and,
- 27 ▪ City of San Diego Urban Water Management Plan (2005).

¹⁶ <http://www.sandiego.gov/environmental-services/recycling/cdrecycling.shtml>, accessed August 4, 2010

1 4.16.2.2 Regulatory Background

2 The Project is subject to State and local regulations pertaining to utilities and service
3 systems. The local provision of public utilities and services is generally guided by goals and
4 policies given in the General Plan.

5 *Federal and State*

6 The Federal Water Pollution Control Act (Clean Water Act) is the principal law governing
7 pollution of the nation's surface waters. The Clean Water Act was originally enacted in 1948,
8 and was subsequently amended in 1972. As an amendment to the Federal Water Pollution
9 Control Act of 1972, the Clean Water Act of 1997 guides regulation pertaining to pollutant
10 discharge to the waters of the United States. The Clean Water Act consists of two major
11 parts: provisions that authorize Federal financial assistance for municipal sewage treatment
12 plant construction and regulatory requirements that apply to industrial and municipal
13 dischargers. The Clean Water Act requires states to adopt water quality standards that
14 "consist of the designated uses of the navigable waters involved and the water quality
15 criteria for such waters based upon such uses."

16 Unless specifically authorized by a permit, the Clean Water Act considers that all discharges
17 into the nation's waters are unlawful. The National Pollutant Discharge Elimination System
18 (NPDES) is the permitting program for discharge of pollutants into surface waters of the
19 United States under Section 402 of the Clean Water Act. Industrial and municipal
20 dischargers (point source discharges) must obtain National Pollutant Discharge Elimination
21 System permits from the appropriate Regional Water Quality Control Board. The existing
22 National Pollutant Discharge Elimination System (Phase I) storm water program requires
23 municipalities serving more than 1,000,000 persons to obtain a National Pollutant Discharge
24 Elimination System storm water permit for any construction project larger than five acres.
25 Proposed National Pollutant Discharge Elimination System storm water regulations (Phase
26 II) expand this existing national program to smaller municipalities with populations of
27 10,000 persons or more and construction sites that disturb greater than one acre. For other
28 dischargers, such as those affecting groundwater or from non-point sources, a Report of
29 Waste Discharge must be filed with the Regional Water Quality Control Board. For specified
30 situations, some permits may be waived and some discharge activities may be handled
31 through being included in an existing General Permit.

32 Although the Environmental Protection Agency provides two permitting options to meet
33 National Pollutant Discharge Elimination System requirements (individual permits and
34 general permits), the State Water Resources Control Board has adopted one statewide
35 General Permit for California that applies to all construction-related storm water discharges.
36 The General Permit applies to any clearing, grading, stockpiling, or excavation that results

1 in soil disturbances of at least one acre of total land area. Construction activities disturbing
2 less than one acre are still subject to this permit if the activity is part of a large common plan
3 of development, or if significant water quality impairment will result from the activity. The
4 General Permit requires all dischargers whose construction activity disturbs one acre or
5 more to:

- 6 ▪ Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that
7 specifies Best Management Practices (BMPs) to prevent all construction pollutants
8 from contacting storm water and with the intent of keeping all products of erosion
9 from moving offsite into receiving waters;
- 10 ▪ Eliminate or reduce nonstorm water discharge to storm sewer systems and other
11 waters of the United States; and,
- 12 ▪ Inspect all Best Management Practices.

13 *Local*

14 The City of San Diego General Plan 2008 contains policies on water and wastewater services
15 for the City of San Diego. The General Plan Public Facilities, Services and Safety Element
16 and Conservation Element of the General Plan address facilities that are publicly managed
17 and provide policies on both facility infrastructure and management of resources, such as
18 water and energy supply. Although the AOC is not subject to the policies contained within
19 the General Plan, certain Project elements may be influenced by City design standards.

20 Implementation of the General Plan anticipates that population growth within the City will
21 continue to occur, creating an increase in demand for water supplies. Analysts used the San
22 Diego Association of Governments' most recent projections, the 2030 Regional Growth
23 Forecast,¹⁷ to identify future water demand projections for the City's Urban Water
24 Management Plan. The population of the City of San Diego is anticipated to increase from
25 approximately 1.3 million to almost 1.7 million in 2030. The City's Water Department
26 delivered approximately 236,756 acre-feet of treated water by in 2006; however, it projects
27 that annual water demands will increase to 275,925 acre-feet by the year 2030. The Water
28 Authority's 2005 Water Plan anticipates reliability of its water supply through 2030 to
29 correspond with the San Diego Association of Governments growth forecast and the City's
30 projected demand of 275,925 acre-feet per year. The San Diego Association of Governments
31 anticipates that major urban development that may occur under the Draft General Plan will
32 not exceed the projections used in the 2005 Water Plans.¹⁸ In addition, the Water Authority
33 plans to pursue a number of strategies to increase potential water supplies, including the

¹⁷ SANDAG, 2004c

¹⁸ City of San Diego Draft General Plan Final Program EIR. September 2007.

1 continued use of recycled water, ground water, water conservation efforts, canal lining, and
2 surface storage to meet service area needs and reduce the risk of future unforeseen
3 shortages. The Metropolitan Water District of Southern California is also developing a
4 comprehensive Drought Management Plan that will be implemented within the San Diego
5 Region in the future to address uncertainties relative to maintaining and developing local
6 and imported water supplies.

7 4.16.3 Standards of Significance

8 For purposes of evaluating impacts in this EIR, the AOC considers an impact to be
9 significant if the Project will:

- 10 ▪ Exceed wastewater treatment requirements of the applicable Regional Water Quality
11 Control Board;
- 12 ▪ Require construction of new water or wastewater treatment facilities or expansion of
13 existing facilities, the construction of which could cause significant environmental
14 effects;
- 15 ▪ Require construction of new storm water drainage facilities; expansion of existing
16 facilities, the construction of which could cause significant environmental effects;
- 17 ▪ Have insufficient water supplies to serve the Project from existing entitlements and
18 resources;
- 19 ▪ Result in a determination by the wastewater treatment provider that serves the
20 Project that it lacks adequate capacity to serve the Project's projected demand in
21 addition to the provider's existing commitments; or,
- 22 ▪ Lack service by a landfill with sufficient permitted capacity to accommodate the
23 Project's solid waste disposal needs.

24 4.16.4 Potential Impacts and Mitigation Measures

25 4.16.4.1 Wastewater Treatment

26 **Potential Impact:** (UPS-1) Will the Project exceed wastewater treatment requirements of
27 the applicable Regional Water Quality Control Board?

28 **Less Than Significant Impact.**

29 The City is within the jurisdiction of the San Diego Regional Water Quality Control Board.
30 The New San Diego Central Courthouse's design will be consistent with applicable
31 requirements of the Regional Water Quality Control Board for wastewater disposal and

1 treatment. The AOC intends to design the new courthouse to achieve a Silver rating
2 certification under the U.S. Green Building Council's LEED Green Building Rating System.¹⁹
3 In achieving this certification, the Project will incorporate design measures to integrate
4 innovative wastewater technologies that will reduce the amount of wastewater potentially
5 generated by daily operational procedures, consistent with Leadership for Energy and
6 Environmental Design Silver rating requirements.

7 The new courthouse will replace the existing courthouse and will not represent a significant
8 increase in intensity of use or significantly increase wastewater generated as compared to
9 the existing use. The Project will also demolish the existing structures on the proposed
10 courthouse site and the existing County Courthouse and Old Jail. Due to the Project's
11 demolition of existing buildings and the elimination of the building uses associated
12 wastewater treatment demand and the Project's LEED Silver requirements, the AOC
13 concludes that Project's wastewater treatment-related impacts will be less than significant.

14 Mitigation Measures: None required.

15 **Potential Impact:** (UPS-2) Will the Project require the construction of new water or
16 wastewater treatment facilities or expansion of existing facilities?

17 **Less than Significant Impact.**

18 Analysts estimated that standard wastewater demand for a similar institutional use is
19 approximately one-third of the building's operational water demand. Water demand for an
20 institutional use is estimated at approximately 3,000 gallons per day per acre. As the Project
21 site is approximately 1.4 acre in size, anticipated water demand for the Project is 4,200
22 gallons per day, and anticipated wastewater demand is approximately 1,400 gallons per
23 day.²⁰

24 Analysts anticipate that the New San Diego Central Courthouse will slightly increase water
25 demand over that currently generated with the existing courthouse, due to an increase in
26 overall square footage and an increase of two courtrooms (total of 71 compared to 69
27 existing courtrooms utilized by the Superior Court in the downtown San Diego area that are
28 housed in the County Courthouse, Hall of Justice, and Family Court). The Project will
29 replace the existing courthouse and will not result in a significant increase in the existing
30 number of overall staff. The Project will also demolish the existing Stahlman Block
31 buildings, which will eliminate the associated water demand. In addition, the Project design
32 will integrate design measures consistent with LEED Silver certification requirements (e.g.,
33 low-flow faucets) that will reduce overall water demand generated by daily operation of the

¹⁹ U.S. Green Building Council, 2003.

²⁰ California Administrative Office of the Courts, 2008a.

1 facilities, as compared to the existing courthouse. Therefore, the Project does not represent a
2 new land use that will create a significant new demand for water supply services.

3 As stated previously, the City operates the Point Loma Sewage Treatment Plant, which
4 treats and disposes wastewater for the City and 15 other cities and special districts within
5 the 450 square-mile service area. The Final Program EIR for the Draft General Plan indicates
6 that the Point Loma Treatment Plant and two reclamation plants combined are capable of
7 treating approximately 285 million gallons per day, which is considered sufficient to meet
8 the projected needs of the service area through at least 2020.²¹ The Project will replace the
9 existing courthouse rather than add new land use, and therefore it will not generate a
10 significant increase over current overall demand for wastewater treatment services. The
11 Project will also demolish the existing Stahlman Block buildings and the County
12 Courthouse, which will eliminate the associated wastewater treatment demand. In addition,
13 the Project design will integrate design measures consistent with LEED Silver certification
14 requirements (e.g., low-flush toilets) that will reduce overall wastewater produced by daily
15 operation of the facilities, as compared to the existing courthouse.

16 After the Superior Court relocates its operations from the Madge Bradley Building, Family
17 Court, and portions of the Hall of Justice, the County or another party will occupy the
18 vacated space. This will represent a shift in the location of users, but will not significantly
19 increase water demand or wastewater generated over that which presently exists for the
20 existing courthouse, and the Project will have only a very minor increase in the number of
21 employees occupying the new courthouse. Therefore, the Project will not require or result in
22 the construction of new water or wastewater treatment facilities or expansion of existing
23 facilities, the construction of which could cause significant environmental effects. Impacts
24 will be less than significant.

25 Mitigation Measures: None required.

26 4.16.4.2 Storm Water Drainage Facilities

27 **Potential Impact:** (UPS-3) Will the Project require the construction of new stormwater
28 drainage facilities or expansion of existing facilities?

29 **Less than Significant Impact.**

30 Storm drains and flood control facilities within the Project area are constructed and
31 maintained by the City of San Diego. The Stormwater Department of the City's Public
32 Works Department is responsible for design and construction of storm drain facilities within
33 the City. Currently, stormwater and surface water from the Project site discharges by sheet
34 flow to existing street gutter storm drains and to storm drains in the paved parking lot area,

²¹ City of San Diego Draft General Plan Final Program EIR. September 2007.

1 as no landscaped areas are located onsite that will allow for the percolation of stormwater
2 through the ground surface.

3 The AOC's proposed courthouse design will conform to the requirements of the California
4 Trial Court Facilities Standards,²² including Design Excellence Principles. The Project will be
5 designed consistent with City design standards, as applicable, with regard to controlling
6 stormwater runoff, and will not create an abundance of stormwater runoff that will require
7 a change control to the existing storm drain system. The Project will not require construction
8 of new offsite storm water facilities.

9 In addition, the Project's construction operators will implement Best Management Practices
10 (BMPs) and other design measures throughout the construction phase to avoid or minimize
11 potential impacts. These Best Management Practices and other measures may include:

- 12 ▪ Prior to the start of construction activities, the AOC will ensure that the construction
13 contractor prepares a Storm Water Pollution Prevention Plan and secures the
14 Regional Water Quality Control Board's approval of the plan;
- 15 ▪ The construction contractor will incorporate BMPs consistent with the guidelines
16 provided in the California Storm Water Best Management Practice Handbooks:
17 Construction;²³
- 18 ▪ For the construction during the rainy season, the construction contractor will
19 implement erosion measures specified by the Regional Water Quality Control Board,
20 which may include mulching, geotextiles and mats, earth dikes and drainage swales,
21 temporary drains, silt fence, straw bale barriers, sandbag barriers, brush or rock
22 filters, sediment traps, velocity dissipation devices, or other measures; and,
- 23 ▪ Wherever possible, the construction contractor will perform grading activities
24 outside the normal rainy season to minimize the potential for increased surface
25 runoff and the associated potential for soil erosion.

26 In addition, the AOC intends to design the Project to achieve a Silver rating certification
27 under the U.S. Green Building Council's LEED Green Building Rating System. The AOC
28 will implement a stormwater management plan that includes measures to comply with
29 LEED requirements relevant to stormwater. Such measures will address both quantity and
30 quality control for potential stormwater runoff from the Project site.

²² Judicial Council of California. 2006. California Trial Court Facilities Standards. 226 p. Available at:
http://www.courtinfo.ca.gov/programs/occm/documents/06_April_Facilities_Standards-Final-Online.pdf.

²³ California Stormwater Quality Association. 2003. *California Storm Water Best Management Practice Handbooks: Construction*. Menlo Park, CA. Also
Available at: http://www.cabmphandbooks.com/Documents/Construction/Section_3.pdf

1 The Project is not anticipated to require or result in the construction of new stormwater
2 drainage facilities or expansion of existing facilities, the construction of which could cause
3 significant environmental effects. As such, impacts will be less than significant.

4 Mitigation Measures: None required.

5 4.16.4.3 Water Supply

6 **Potential Impact:** (UPS-4) Will the water provider that serves the Project area have
7 sufficient water supplies available to serve the Project?

8 **Less than Significant Impact.**

9 Although the City does not have direct control over the quantity of imported water, it is a
10 member agency of the San Diego County Water Authority, which is responsible for securing
11 the regional water supply from the Metropolitan Water District of Southern California. As
12 stated previously, the Water Authority's 2005 Water Plan anticipates reliability of its water
13 supply through 2030 to correspond with the San Diego Association of Governments' growth
14 forecast and the City's projected demand of 275,925 acre-feet per year. Major urban
15 development that may occur under the General Plan is not expected to exceed the
16 projections made by the San Diego Association of Governments and used in the 2005 Water
17 Plan.²⁴ In addition, the Water Authority plans to pursue a number of strategies to increase
18 potential water supplies, including the continued use of recycled water, ground water,
19 water conservation efforts, canal lining, and surface storage to meet service area needs and
20 reduce the risk of future unforeseen shortages. Furthermore, the Project will result in
21 replacement of the existing courthouse and Old Jail with new facilities, and will not
22 introduce a new use in the downtown area that will significantly increase water use demand
23 over that currently generated by the existing courthouse.

24 As stated above, the AOC intends to design the Project to achieve a Silver rating certification
25 under the U.S. Green Building Council's Leadership for Energy and Environmental Design
26 Green Building Rating System. The AOC intends to implement a water supply plan that
27 complies with Leadership for Energy and Environmental Design requirements for the Silver
28 rating. These requirements²⁵ relevant to water supply include:

- 29 ▪ Water efficient landscaping - Reduce water use by 50 percent, use non-potable water,
30 or use no water for landscaping.

31 Sufficient water supplies are available to serve the Project from existing entitlements and
32 resources, and therefore, the Project will not require new or expanded entitlements to

²⁴ City of San Diego Draft General Plan Final Program EIR. September 2007.

²⁵ U.S. Green Building Council, 2003.

1 provide an adequate water supply for the proposed use. As such, impacts will be less than
2 significant.

3 Mitigation Measures: None required.

4 4.16.4.4 Wastewater Treatment Capacity

5 **Potential Impact:** (UPS-5) Will the wastewater treatment provider that serves the
6 Project area determine that it has adequate capacity to serve the Project's
7 projected demand?

8 **Less than Significant Impact.**

9 The Project will construct a New San Diego Central Courthouse to replace the existing
10 courthouse. The Project will also demolish the Stahlman Block's existing buildings and the
11 Old Jail. The increase in wastewater treatment demand will be minor as compared to
12 current demands generated by the existing courthouse facilities and other buildings, as the
13 overall number of employees occupying the new facilities will not significantly increase
14 with consideration for relocation of existing staff and operations from the County
15 Courthouse, portions of the Hall of Justice, Madge Bradley Building, Family Court, and
16 portions of the Kearny Mesa Facility into the New San Diego Central Courthouse.

17 As stated above, the Final Program EIR for the Draft General Plan indicates that the Point
18 Loma Treatment Plant and two reclamation plants combined are capable of treating
19 approximately 285 million gallons per day, which is considered sufficient to meet the
20 projected needs of the service area through at least 2020.²⁶ The Project will not result in a
21 use that will significantly increase population in the downtown area or that will conflict
22 with those uses anticipated by the General Plan, thus potentially affecting projected
23 demands for future wastewater treatment.

24 Due to the nature of the Project, the wastewater treatment provider that will serve the
25 Project is considered to have adequate capacity to serve the projected demand, in addition
26 to the provider's existing commitments. Impacts will be less than significant.

27 Mitigation Measures: None required.

28 4.16.4.5 Landfills

29 **Potential Impact:** (UPS-6) Is there a landfill with sufficient permitted capacity to
30 accommodate the Project's solid waste disposal needs?

31 **Less than Significant Impact.**

²⁶ City of San Diego Draft General Plan Final Program EIR, September 2007.

1 Regulations for solid waste for the State of California (California Public Resources Code
2 Section 41700 - 41721.5) require that each region have a plan with adequate capacity to
3 manage or dispose of solid waste for at least fifteen years into the future. For the San Diego
4 County region, the solid waste plan is the Integrated Waste Management Plan, Countywide
5 Siting Element (January 2005). This Plan indicates that unless a new landfill is made
6 available and/or existing landfills are expanded, the region will have insufficient disposal
7 capacity. As such, the San Diego Association of Governments' Comprehensive Resource
8 Management Plan, the Countywide Siting Element, and the City of San Diego General Plan
9 are presently working to extend the life of existing solid waste disposal facilities.

10 In addition, State Assembly Bill 939 establishes a target goal to support the diversion of
11 solid waste generated. The Bill required that 50 percent of solid waste shall be diverted from
12 landfills by the year 2005. The City of San Diego achieved a 55 percent diversion rate in
13 2006, thereby achieving the goal.²⁷

14 Solid waste disposal services for the Project will be overseen by the City's Environmental
15 Services Department. The solid waste generated by daily operation of the New San Diego
16 Central Courthouse will contribute to incremental consumption of the City's existing
17 landfill capacity; however, the additional contribution will not be substantial compared with
18 the remaining landfill capacity. As noted previously, the Miramar Landfill is expected to
19 operate through 2019. The Sycamore Landfill, located within the City limits, and the Otay
20 Landfill, located in the unincorporated area of the County, are also expected to remain
21 available until 2033 and 2025, respectively.²⁸ As proper reduction and disposal methods for
22 construction waste will be observed during the construction phase, the Project is not
23 anticipated to significantly contribute to a reduction in available landfill capacity. Daily
24 operational activities will be similar to those which occur at the existing courthouse, and
25 therefore, solid waste quantities generated are not anticipated to significantly increase with
26 the Project. In addition, the Project will integrate measures consistent with the Leadership
27 for Energy and Environmental Design Silver rating program aimed at the reduction of solid
28 waste through implementation of recycling programs, educational programs, or other
29 appropriate measures.

30 Although no date has yet been identified, the AOC anticipates that demolition of the
31 existing courthouse and Old Jail will occur prior to any anticipated closure date of existing
32 landfills that presently serve the City. Demolition activities will be consistent with
33 applicable State and local requirements aimed at reducing potential demolition waste. Solid
34 waste disposal needs will be reassessed at the time demolition is proposed, as appropriate,
35 to ensure that adequate disposal facilities are available and that no adverse effects will occur

²⁷ <http://www.sandiego.gov/environmental-services/Miramar>, accessed August 4, 2010.

²⁸ City of San Diego General Plan – Public Facilities, Services, and Safety Element. Adopted March 2008.

ENVIRONMENTAL EFFECTS

1 as the result of the proposed action. With expanded waste processing requirements and
2 opportunities, such as mixed construction and demolition debris recycling facilities, residual
3 materials from the demolition activities and recycling operations will require safe disposal.

4 The Project will comply with the City's Construction and Demolition Debris Deposit
5 Ordinance. Compliance with the Ordinance will ensure that the Project recycles and diverts
6 a minimum of 50% of construction and demolition materials from landfills.

7 For the reasons above, the AOC concludes that impacts with regard to solid waste disposal
8 and landfill capacity will be less than significant.

9 Mitigation Measures: None required.

10

1 5.0 ALTERNATIVES

2 CEQA Guidelines Section 15126.6(a) states that the range of reasonable alternatives to a
3 project, or to the proposed location of a project, shall include those alternatives that may
4 feasibly accomplish most of the basic objectives of the project but will avoid or substantially
5 lessen one or more of the significant effects. As discussed in Chapter 4.0, the proposed
6 Project will have potentially significant impacts to aesthetics and visual resources, cultural
7 resources, geology and soils, and hazards and hazardous materials, but mitigation measures
8 will reduce these impacts to a level that is less than significant. However, the proposed
9 Project will have significant noise (construction) impacts despite the adoption of mitigation
10 measures. All other impacts will be less than significant. Section 15126.6(0(1) of CEQA states
11 that other considerations for the feasibility of an alternative include site suitability;
12 economic viability; availability of infrastructure; and, consistency with applicable plans,
13 regulatory limitations, or jurisdictional boundaries.

14 5.1 RATIONALE FOR ALTERNATIVE SELECTION

15 Replacement of the existing downtown courthouse will involve construction of the new
16 courthouse facility, consolidation of existing facilities and staff, and ultimately, the
17 demolition of the existing County Courthouse and Old Jail. The following discussion
18 considers the No Project Alternative; the Reduced Project Alternative; and, the Alternate
19 Site Alternative.

20 The No Project Alternative provides an analysis of the impacts under a scenario where the
21 AOC does not construct the new courthouse facilities and the existing County Courthouse
22 and Old Jail remain in their current condition. The No Project Alternative is required by
23 CEQA and allows decision-makers to compare the impacts of a project with the impacts that
24 will occur if the project were not constructed (CEQA Guidelines Section 15126.6(e)(1)). The
25 Reduced Project Alternative provides an analysis of a reduced-size new courthouse to
26 determine if the AOC can reduce significant environmental effects of the Project. In
27 addition, the Alternate Site Alternative considers potential impacts of the proposed
28 courthouse at an adjacent downtown site that the AOC considers suitable for construction of
29 the replacement courthouse facilities. *Table 5-1: Project Alternatives – Impacts Compared to the*
30 *Project*, compares the Project with each of the proposed alternatives.

1 5.2 ALTERNATIVES CONSIDERED BUT REJECTED FROM
2 FURTHER CONSIDERATION

3 As discussed below, the AOC considered and rejected two Project alternatives during the
4 scoping process.

5 5.2.1 Broadway Site Alternative

6 The Broadway Site Alternative involved construction of the new courthouse on the existing
7 County Courthouse’s site, which is the block bounded by Broadway, C Street, Union Street,
8 and First Avenue. The AOC does not consider this to be viable alternative because the
9 County Courthouse is currently being utilized. To construct a new courthouse in that
10 location, the AOC must relocate all of the existing operations, including personnel,
11 equipment and furniture, into other temporary facilities, prior to the demolition of the
12 existing County Courthouse. This alternative requires the AOC to find new temporary
13 facilities that meet the criteria for operating courtrooms and secure temporary leases for the
14 facilities. If all of the temporary facilities cannot be found in one location, then the AOC will
15 be required to scatter operations to several different locations, which will hinder the
16 efficiency and safety of the Superior Court’s operations. If the temporary facilities were not
17 located in the downtown within proximity to the Central Jail and Superior Court, significant
18 adverse effects on the ability of the Court system to operate efficiently will occur. After
19 completion of the potential new courthouse, the AOC will then need to relocate offices and
20 courtrooms to the new courthouse. For these reasons, the AOC rejected building the new
21 courthouse in the same location as the existing courthouse from further consideration.

22 5.2.2 Non-Downtown Site

23 The AOC considered and rejected construction of the new courthouse facilities at a location
24 outside of the downtown San Diego area since it will not meet the Project objectives to
25 construct suitable replacement facilities near existing related facilities in the downtown area
26 to facilitate functional efficiency and security of all judicial operations. In addition, it will
27 not preserve or improve the efficiency of the Superior Court, the District Attorney, and San
28 Diego Sheriff because it will no longer be feasible to link the County’s Central Jail and the
29 Hall of Justice with the new courthouse. For these reasons, the AOC rejected building the
30 new courthouse at a location outside of downtown San Diego from further consideration.

5.3 PROJECT OBJECTIVES

The purpose of the Project is to provide a new trial court facility that meets the needs of the Superior Court's Downtown San Diego County operations. The AOC's objectives for the New San Diego Central Courthouse Project are:

- Provide the Superior Court with a new courthouse with improved facilities of sufficient size, as much as approximately 750,000 BGSF for 71 courtrooms, to accommodate current and future needs of judicial operations in downtown San Diego and to enhance security and the efficiency of judicial operations;
- Improve public access to judicial facilities;
- Provide consolidated space for the Superior Court's staff and operations;
- Preserve or improve the efficient interactions of the Superior Court, the District Attorney, and San Diego Sheriff by linking the County's Central Jail and the Hall of Justice with the new courthouse; and,
- Remove judicial facilities that lack adequate seismic safety, security, and public access.

5.4 NO PROJECT ALTERNATIVE

CEQA requires evaluation of the comparative impacts of the "No Project" Alternative (CEQA Guidelines Section 15126.6(e)(1)). Under the No Project Alternative, the AOC will not implement the proposed San Diego New Central Courthouse Project, the tunnel to connect the new courthouse with the County's Central Jail, and the bridge over C Street to connect the new courthouse with the County's Hall of Justice. There will be no demolition of the existing buildings on the Stahlman Block, and the surface parking lot will remain in its current operational state. Staff from the Superior Court from other facilities including the Madge Bradley Building, Family Court, portions of the Kearny Mesa Facility, and portions of the County's Hall of Justice will continue to operate in their current buildings.

The AOC will not demolish the existing County Courthouse, Old Jail, or bridges that extend from the County's Jail to the County Courthouse and from the Hall of Justice to the County Courthouse at any time in the future as part of the No Project Alternative. Since no demolition will take place, the AOC will not replace the County's existing chilled water supply to the Central Jail and Hall of Justice, which currently extends through the County Courthouse.

Under the No Project Alternative, there is no additional space for the consolidation of the Superior Court's Madge Bradley operations, the Family Law operations, and Kearney Mesa

1 courtroom's operations, and the dispersed facilities will continue to hinder the Superior
2 Court's efficiency and the public's access to judicial operations.

3 The No Project Alternative will not achieve the Project's objectives. It will fail to:

- 4 ▪ Provide the Superior Court with additional space or improved facilities to
5 accommodate current and future needs of judicial operations in downtown San
6 Diego and enhance security and the efficiency of judicial operations;
- 7 ▪ Provide consolidated space for the Superior Court's staff and operations; and,
- 8 ▪ Remove judicial facilities that lack adequate seismic safety, security, and public
9 access.

10 The No Project Alternative will not produce new significant environmental impacts, and
11 there will be no mitigation measures required; however, it will extend the existing seismic
12 hazard associated with the County Courthouse's seismic deficiencies and the building's
13 hazardous materials exposures.

14 5.5 REDUCED PROJECT ALTERNATIVE

15 The Reduced Project Alternative includes potential construction of approximately 600,000
16 building gross square feet for 69 courtrooms and improved facilities to enhance security and
17 the efficiency of judicial operations. The facility will be constructed on the same site as the
18 proposed Project.

19 The Reduced Project Alternative's design will potentially provide approximately 600,000
20 gross square feet of space above grade (15 stories maximum) and three levels of parking and
21 mechanical functions below grade (similar to that proposed with the Project). The potential
22 overall building footprint will be similar to that of the proposed Project.

23 The square footage proposed with the Reduced Project Alternative is the same square
24 footage that the County of San Diego proposed for the original design of the new
25 courthouse in the January 1993 Program EIR. Therefore, this square footage proposed for
26 the Reduced Project Alternative represents a potential design alternative to the current
27 Project design evaluated within this EIR. Under the Reduced Project Alternative, the new
28 courthouse will potentially contain up to 69 courtrooms and provide approximately 100
29 underground parking spaces for judges and some Superior Court executives. To avoid
30 security concerns, this alternative will not provide underground, unsecured parking for
31 staff, jurors, or visitors.

- 1 The Reduced Project Alternative will not achieve all of the Project objectives. It will fail to:
- 2 ▪ Provide the Superior Court with additional space or improved facilities to
 - 3 accommodate current and future needs of judicial operations in downtown San
 - 4 Diego and enhance security and the efficiency of judicial operations; and,
 - 5 ▪ Provide consolidated space for the Superior Court's staff and operations.

6 5.5.1 Aesthetics and Visual Resources

7 The appearance of the Reduced Project Alternative will potentially be similar to the Project,
8 but the structural height will be limited to 15 stories. Although this alternative's overall
9 building height will be decreased, the potential for adverse effects with regard to wind and
10 creation of microclimates will still exist. As with the proposed Project, potential significant
11 impacts may occur and will require mitigation. The Reduced Project Alternative's aesthetic
12 impacts will be similar to the Project's impacts.

13 5.5.2 Agricultural Resources

14 The Project site is in a highly urbanized area in downtown San Diego. Surrounding land
15 uses include high-density, larger-scale institutional, commercial, and limited residential
16 uses. Therefore, no Farmland or agricultural lands are present, and the Reduced Project
17 Alternative will not affect any properties zoned for agricultural use or affected by a
18 Williamson Act Contract. Development of the site with the proposed County Courthouse
19 will therefore not result in impacts to existing agricultural uses or cause the conversion of
20 agricultural lands to a non-agricultural use. Therefore, no significant impacts will occur. The
21 Reduced Project Alternative's agricultural resources impacts will be similar to the Project's
22 impacts.

23 5.5.3 Air Quality

24 The Reduced Project Alternative will potentially develop a new courthouse of lesser size as
25 compared to the proposed Project. Therefore, construction requirements with regard to the
26 length of time required for daily operation of construction equipment onsite, as well as the
27 length of time required to construct the proposed facilities, will potentially be less than the
28 proposed Project. Similar to the proposed Project, development of a smaller courthouse will
29 not result in significant air quality impacts during the construction phase. No long-term
30 operational air quality impacts will occur with the proposed Project or with the Reduced
31 Project Alternative. The Reduced Project Alternative's and the Project's impacts air quality
32 impacts will be less than significant, although the Reduced Project Alternative's emissions
33 will be lower.

1 5.5.4 Biological Resources

2 As the site is presently developed with a surface parking lot and several small-scale
3 structures, native or non-native vegetation is not present onsite. Therefore, no onsite habitat
4 exists to support the nesting or breeding of sensitive wildlife species. In addition, no
5 wetland habitat is present onsite. As a result, the Reduced Project Alternative will not result
6 in significant impacts on sensitive habitat or wildlife species, and no mitigation measures
7 will be required. The Reduced Project Alternative's biological resources impacts will be
8 similar to the Project's impacts.

9 5.5.5 Cultural and Historic Resources

10 The potential Reduced Project Alternative will be on the same site as the Project. Unknown
11 cultural resources may occur onsite that may be disturbed during grading and excavation
12 activities. As with the proposed Project, mitigation measures will reduce impacts to a level
13 that is less than significant. The Reduced Project Alternative's cultural resources impacts
14 will be similar to the Project's impacts.

15 5.5.6 Geology, Soils, and Seismicity

16 The Reduced Project Alternative will potentially utilize the same site as the Project.
17 Unknown paleontological resources may occur onsite that may be disturbed during grading
18 and excavation activities. As with the proposed Project, mitigation measures will reduce
19 impacts to less than significant. The Reduced Project Alternative paleontological resources
20 impacts will be similar to the Project's impacts.

21 5.5.7 Hazards and Hazardous Materials

22 The Reduced Project Alternative will potentially utilize the same site as the Project and will
23 also demolish the County Courthouse and Old Jail. The potential for hazardous materials to
24 occur onsite was noted in the July 2000 *Report of Phase I and Limited Phase II Environmental*
25 *Site Assessments* prepared by Law/Crandall, as a magnetic anomaly occurred that may
26 indicate a buried storage tank. As with the proposed Project, mitigation measures will
27 reduce potential impacts to less than significant. Impacts with regard to hazards and
28 hazardous materials with the Reduced Project Alternative will therefore be similar to the
29 Project's impacts.

30 5.5.8 Land Use and Planning

31 The Reduced Project Alternative potentially will use the same site as the proposed Project in
32 a highly developed area of downtown San Diego. Therefore, this Alternative will not

1 physically divide an established community. Similar to the proposed Project, the Reduced
2 Project Alternative will not conflict with any applicable land use plan, policy, or regulations.
3 In addition, this alternative will not conflict with any applicable habitat conservation plan or
4 natural community conservation plan. Land use and planning impacts will be similar to the
5 Project's impacts.

6 5.5.9 Mineral Resources

7 The proposed alternate site is not currently being utilized for mineral extraction and does
8 not contain any known mineral resources that will be of value to the region. The property
9 has not been delineated on a local general plan, specific plan, or other land use plan as a
10 locally important mineral resource recovery site. Therefore, no significant impacts will
11 occur, and no mitigation is required. The Reduced Project Alternative's mineral resources
12 impacts will be similar to the Project's impacts.

13 5.5.10 Noise

14 The Reduced Project Alternative potentially will produce similar but smaller facilities as
15 that proposed with the Project. Therefore, the length of time required to construct the
16 overall facilities will be less than the proposed Project's schedule. Although this alternative
17 will shorten the duration of short-term construction noise, the magnitude of excavation-
18 related and demolition-related sound will still result in significant noise impacts to persons
19 in the W Hotel, County Courthouse, and Sofia Hotel. Mitigation measures will be similar to
20 that of the proposed Project. No long-term potential operational noise impacts will occur
21 with the proposed Project or with the Reduced Project Alternative. Overall, noise impacts
22 resulting from the Reduced Project Alternative will have a shorter duration than the
23 proposed Project's impacts, but construction noise impacts will remain significant despite
24 adoption of mitigation measures. Other noise impacts will be less than significant for both
25 the Proposed Project and the Reduced Project Alternative.

26 5.5.11 Population and Housing

27 The site for the Reduced Project Alternative is in a highly urbanized area and development
28 of the site with the proposed courthouse-related uses will be generally consistent with
29 adopted plans and policies applicable to the site. The Reduced Project Alternative will not
30 induce substantial population growth or the construction of additional housing. There is no
31 residential housing located on the site, and therefore, no housing will be displaced by this
32 alternative. No significant impacts with regard to population and housing will occur, and
33 no mitigation is required. The Reduced Project Alternative's population and housing
34 impacts will be similar to the Project's impacts.

1 5.5.12 Public Services

2 The City currently provides fire protection services to the existing uses on the site proposed
3 for the Reduced Project Alternative. Construction of the new Central Courthouse and
4 demolition of the County Courthouse, Old Jail, and buildings on the Stahlman Block do not
5 represent a significant increase in intensity of use over other high-rise building in the
6 immediate vicinity and will not create unacceptable service ratios. Similar to the Project, two
7 fire stations are within close proximity to the site, and required response times can be met.
8 This alternative will have a less than significant impact on fire response times and will not
9 otherwise create a substantially greater need for fire protection services than that which
10 presently exists, similar to the Project's impacts.

11 Security for the Reduced Project Alternative will be provided by personnel from the County
12 Sheriff's Department, in combination with contracted private security personnel. If needed,
13 the City Police Department has indicated that it can provide police protection service for a
14 new Central Courthouse and can meet response times established by the City.¹ Since the
15 new courthouse will not significantly increase the intensity of use over the existing
16 courthouse operations, impacts will be less than significant, similar to that resulting with the
17 Project.

18 Similar to the Project, the Reduced Project Alternative will not generate new residential
19 housing or other land uses that will result in an increase in population or housing demands.
20 This alternative will not increase demands on local schools due to an increase in the number
21 of school-aged children in the area that will require educational services provided by the
22 public school system. Similar to the Project, this alternative will replace the existing
23 courthouse and Old Jail and does not represent a new use that will significantly increase
24 demand for public parks, libraries, or other public services over that currently generated by
25 operation of the existing courthouse and jail. Therefore, this alternative will not create a
26 significant demand for the provision of new or physically altered governmental facilities
27 that will adversely affect acceptable service ratios, response times, or other performance
28 objectives for schools, parks, or other public facilities. Impacts will be less than significant,
29 and no mitigation is required. The Reduced Project Alternative's public services impacts
30 will therefore be similar to the proposed Project's impacts.

31 5.5.13 Recreation

32 The Reduced Project Alternative will not increase the use of existing neighborhood or
33 regional parks or other recreational facilities, as it does not propose housing that will have
34 the potential to indirectly increase public demand for area recreational facilities. In addition,

¹ City of San Diego Police Department. Personal communication with Sgt. Steve Behrendt, Research and Planning. May 19, 2010.

1 this alternative does not represent a significant increase in intensity of use over that of the
2 existing facilities, and therefore, an increase in demand for public recreational facilities is
3 not anticipated. Therefore, no significant impacts on recreation facilities will occur, and no
4 mitigation is required. Impacts on recreational facilities resulting from the Reduced Project
5 Alternative will be similar to the Project's impacts.

6 5.5.14 Traffic

7 Overall, the Reduced Project Alternative will result in construction of two fewer courtrooms
8 and 150,000 BGSF less than that proposed with the Project, thereby reducing the overall
9 vehicle trips generated by the new Central Courthouse. Since the Reduced Project
10 Alternative potentially will use the site proposed for development with the Project, this
11 alternative will not conflict with an applicable plan, ordinance, or policy establishing
12 measures of effectiveness for the performance of the existing circulation system, or conflict
13 with an applicable congestion management program. In addition, no impacts will occur
14 from a change in air traffic patterns, nor will this alternative substantially increase hazards
15 because of a design feature or incompatible uses, similar to that of the Project as proposed.
16 This alternative will not result in inadequate emergency access, nor will it conflict with
17 adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian
18 facilities, or otherwise decrease the performance or safety of such facilities. Therefore,
19 impacts with regard to traffic will be less than significant, and no mitigation is required. The
20 Reduced Project Alternative's traffic impacts will be similar to the Project's impacts.

21 5.5.15 Utilities and Service Systems

22 Since the Reduced Project Alternative potentially will use the same site as the Project,
23 conditions with regard to utilities and service systems will be similar. The site is located in a
24 highly developed area and electricity, water and sewer service, storm water drainage
25 facilities, wastewater treatment, solid waste disposal, telephone, cable, and other such
26 utilities and services are presently available onsite. Such utilities will be available to
27 adequately serve the new Central Courthouse without requiring the construction of new
28 facilities or the expansion of existing facilities. As a result, the Reduced Project Alternative
29 will not have a significant adverse effect on such facilities or services. Impacts will be less
30 than significant, and no mitigation is required. The Reduced Project Alternative's impacts
31 on utilities and service systems will be similar to the Project's impacts.

32 5.5.16 Water Quality and Hydrology

33 The Reduced Project Alternative will potentially develop the site similarly to the Project.
34 Since grading and excavation requirements for the courthouse and tunnel will generally be

1 similar to the Project, potential impacts on stormwater quality and hydrology will be the
2 same as for the Project. Development of this alternative will require implementation of Best
3 Management Practices (BMPs) to reduce potential impacts to less than significant. In
4 addition, similar measures to control stormwater runoff and waste water discharge from the
5 site will be utilized with this alternative. The alternative will require preparation and
6 implementation of a SWPPP, and design measures consistent with LEED Silver certification
7 will reduce potential adverse effects on water quality. Development of the proposed
8 courthouse will not substantially change the amount of impervious surface area on the site
9 or in the surrounding area. As a result, this alternative will not significantly increase surface
10 water runoff volumes. Impacts will be less than significant, and no mitigation is required.

11 Similar to the Project, this alternative will not deplete groundwater, and is not within the
12 100-year floodplain of the 1997 Federal Emergency Management Agency (FEMA) maps that
13 will be subject to potential flooding.² The site is approximately one-half mile from the San
14 Diego Bay which is protected from the Pacific Ocean by a long, narrow strip of land called
15 the Silver Strand, and therefore, will not be subject to inundation by a tsunami. The site has
16 relatively flat topography and will not experience mudflow or erosion, and is not in an area
17 that is subject to inundation by seiches. Therefore, no impacts will occur.

18 The Reduced Project Alternative's impacts on water quality and hydrology will be similar to
19 the Project's impacts.

20 5.5.17 Conclusion

21 Although the Stahlman Block site can accommodate the construction of approximately
22 600,000 BGSF with 15 stories and a building footprint and overall design (other than
23 building height) superficially similar to that of the proposed Project, this alternative does
24 not meet the Project objective of providing the Superior Court with a new courthouse with
25 improved facilities of sufficient size to accommodate current and future needs of judicial
26 operations in downtown San Diego and to enhance security and the efficiency of judicial
27 operations. The Reduced Project Alternative does not provide sufficient space to fulfill the
28 Judicial Council's space requirements for the judicial facilities and operations. Although the
29 building might accommodate the intended number of courtrooms, reducing the size of the
30 building will require severe reductions of other supporting space for separate secured
31 movement corridors, security screening areas, administrative support and public window
32 areas, and building support spaces. By providing a reduced size courthouse, the Superior
33 Court might not choose to relocate staff operations from the other downtown facilities

² U.S. Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, Flood Insurance Rate Map No 06073C2375, map effective June 19, 1997. (<http://msc.fema.gov>)

1 (Madge Bradley Building, Family Court, or portions of the Kearny Mesa Facility) which may
2 further reduce the overall efficiency of court operations.

3 The AOC concludes that the Reduced Project Alternative will not eliminate or reduce any of
4 the proposed Project's potentially significant impacts or significant impacts. The alternative
5 and the Project have the same significant impacts, potentially significant impacts that
6 become less than significant after adoption of the same mitigation measures, and less than
7 significant impacts.

8 As noted above, the AOC prepared several analyses to identify feasible alternative sites for
9 the Project in the downtown area. The Budget Package³ for the Superior Court of California
10 – County of San Diego New San Diego Central Courthouse (September 2009) provides an
11 extensive assessment of the anticipated development and operational needs required to
12 adequately support future Superior Court operations. The Budget Study identifies space
13 programming objectives and needs for the facilities. Therefore, an alternative that does not
14 provide for the anticipated programming needs (e.g., a reduced project alternative) will
15 likely not be adequate to support court requirements.

16 5.6 ALTERNATE SITE ALTERNATIVE

17 The specific site considered for the Alternate Site Alternative is one block to the north of the
18 Project site. The site is bordered by A Street on the north, B Street to the south, and State and
19 Union Streets on the west and east; refer to *Figure 3-3, Proposed Site Plan*. Except for the
20 location, projected gross building square footage, height, and other Project characteristics
21 will be the same as the Project. Similar to the Project site, the site for the Alternate Site
22 Alternative is within close proximity (but not immediately adjacent to) to the Hall of Justice
23 and other existing County buildings. The site is one block (approximately 400 feet) north of
24 C Street and the existing San Diego Trolley line.

25 Existing uses on the alternate site are similar to those on the AOC's proposed Project site.
26 The alternative site contains surface parking lots on approximately one-half of the site with
27 single-story commercial buildings on the remainder of the property.

28 The Alternate Site Alternative will not achieve all of the Project objectives. Due to the
29 distance between the alternate site and the Hall of Justice, the AOC does not believe it is
30 feasible to construct a bridge to connect the Hall of Justice and a potential courthouse on the
31 alternate site. Although a tunnel connection between the two locations may be technically
32 feasible, a tunnel is not practically feasible because it requires transport of jurors, visitors,
33 and employees within the connecting buildings to the basements to access the tunnels, it
34 risks discomforting tunnel occupants with potential claustrophobic sensitivities, and it

³ Available at: http://www.courtinfo.ca.gov/programs/occm/documents/sandiego_budgetpackage.pdf

1 severely complicates the basement layout of the potential alternative courthouse by linking
2 two separate tunnels to the constrained basement area. Therefore, since it is unlikely that the
3 AOC can link the alternative site's courthouse to the Hall of Justice, this alternative will fail to
4 preserve or improve the efficiency of the Superior Court, the District Attorney, and San
5 Diego Sheriff by linking the County's Central Jail and the Hall of Justice with the new
6 courthouse.

7 5.6.1 Aesthetics and Visual Resources

8 The Alternate Site Alternative potentially will support construction of a new courthouse
9 similar to the proposed Project. The alternative site does not require changes in the physical
10 appearance of the proposed courthouse building. In addition, the proposed land use of a
11 courthouse at this site will be consistent with the City's San Diego Downtown Community
12 Plan and Planned District Ordinance. Since this alternative is unlikely to have a bridge
13 connection to the Hall of Justice, this alternative will have less visual impact than the
14 Project.

15 The alternative's wind effects and the potential creation of microclimates will be similar to
16 the Project. Overall, the Alternate Site Alternative's aesthetic and visual resource impacts
17 will be similar to the Project's impacts.

18 5.6.2 Agricultural Resources

19 The potential alternative's site is in a highly urbanized area in downtown San Diego.
20 Surrounding land uses include high-density, larger-scale institutional, commercial, and
21 limited residential uses. Therefore, no Farmland or agricultural lands are present, and the
22 Alternate Site Alternative will not affect any properties zoned for agricultural use or
23 affected by a Williamson Act Contract. Development of the site with the proposed Central
24 Courthouse will therefore not result in impacts to existing agricultural uses or cause the
25 conversion of agricultural lands to a non-agricultural use. Therefore, no significant impacts
26 will occur. The Alternate Site Alternative's agricultural resource impacts will be similar to
27 the Project's impacts.

28 5.6.3 Air Quality

29 The Alternate Site Alternative will potentially develop a new courthouse of the same size as
30 that proposed with the Project. As a result, construction requirements with regard to the
31 length of time required for daily operation of construction equipment onsite, as well as the
32 length of time required to construct the overall facilities, will be similar to the proposed
33 Project. Therefore, development of the new courthouse at the alternate site will not result in

1 significant air quality impacts during the construction phase, similar to the proposed
2 Project. No long-term operational air quality impacts will occur with the proposed Project or
3 with the Alternate Site Alternative. The Alternate Site Alternative's air quality impacts will
4 be similar to the Project's impacts.

5 5.6.4 Biological Resources

6 Since the site is presently developed with a surface parking lot and several small-scale
7 structures, native or non-native vegetation is not present onsite. Therefore, no onsite habitat
8 exists to support the nesting or breeding of sensitive wildlife species. In addition, no
9 wetland habitat is present onsite. As a result, the Alternate Site Alternative will not result in
10 significant impacts on sensitive habitat or wildlife species, and no mitigation measures will
11 be required. The Alternate Site Alternative's biological resource impacts will be similar to
12 the Project's impacts.

13 5.6.5 Cultural and Historic Resources

14 The Alternate Site Alternative's site will potentially be 400 feet north of the proposed Project
15 site. Although a site-specific study has not been conducted on the site, the potential for
16 unknown cultural resources to occur onsite that may be disturbed during grading and
17 excavation activities exists. Mitigation will be necessary for the Alternate Site Alternative to
18 reduce impacts to less than significant. The Alternate Site Alternative's cultural resource
19 impacts will be similar to the Project's impacts.

20 5.6.6 Geology, Soils, and Seismicity

21 As stated above, the Alternate Site Alternative will potentially be 400 feet north of the
22 proposed Project site. The AOC anticipates that the Alternative's geologic and soil
23 conditions will be similar to the proposed site. Given the high potential for paleontological
24 resources to occur in the downtown area, unknown paleontological resources may occur
25 onsite that may be disturbed during grading and excavation activities. The Alternate Site
26 Alternative will require mitigation to reduce impacts to a level that is less than significant.
27 The Alternate Site Alternative's geological and paleontological resources impacts will be
28 similar to the Project's impacts.

29 5.6.7 Hazards and Hazardous Materials

30 A Phase I ESA has not been conducted for the alternate site; however, the Phase I ESA
31 conducted for the Project identified seven sites along State Street and Union Street between
32 B and C Streets where the proposed alternate site is located, indicating the potential for

1 hazardous conditions to be present. A number of additional sites were also identified
2 upgradient from the alternate site and may have the potential to result in adverse impacts.
3 Prior to development of the alternate site, a Phase I ESA will be required to identify any
4 potentially hazardous materials or conditions on or in the vicinity of the site. If hazardous
5 conditions are identified, appropriate mitigation will be required to reduce potential
6 impacts to less than significant.

7 Similar to the Project, potential development of a new Central Courthouse on the alternate
8 site will not produce a substantial safety hazard in the vicinity of an airport or airstrip for
9 people visiting or working in the area, nor will it create a hazard to the public or the
10 environment that is substantial, due to the nature of the proposed use. In addition, this
11 alternative will not impair implementation of, or physically interfere with an adopted
12 emergency response plan or emergency evacuation plan. Therefore, similar to the Project,
13 impacts will be less than significant, and no mitigation is required. The Alternate Site
14 Alternative's hazards and hazardous materials impacts will be similar to the Project's
15 impacts.

16 5.6.8 Land Use and Planning

17 Similar to the Project, the alternate site is located within the Columbia District; refer to
18 *Figure 4.9-1, Proposed Neighborhoods and Districts*. In addition, land use for the site is
19 designated as Public/Civic, also similar to the Project; refer to *Figure 4.9-2, Proposed Land Use*
20 *Map*. The State of California is not subject to land use planning and zoning regulations
21 established by local authorities, future development of the site with the new Central
22 Courthouse will be consistent with the Public/Civic use intended by the City, and therefore,
23 will not result in conflict with any applicable land use plan, policy, or regulation pertaining
24 to the site. In addition, as the proposed alternate site is located within the highly developed
25 area of downtown San Diego, this alternative will not physically divide an established
26 community, as surrounding lands are generally developed with established uses.

27 Therefore, impacts resulting from development of a new Central Courthouse at the alternate
28 site will be less than significant, and no mitigation is required. The Alternate Site
29 Alternative's land use and planning impacts will be similar to the Project's impacts.

30 5.6.9 Mineral Resources

31 The proposed alternate site is not currently being utilized for mineral extraction and does
32 not contain any known mineral resources that will be of value to the region. The property
33 has not been delineated on a local general plan, specific plan, or other land use plan as a
34 locally important mineral resource recovery site. Therefore, no significant impacts will occur

1 with development of a new Central Courthouse, and no mitigation is required. The
2 Alternate Site Alternative's mineral resource impacts will be similar to the Project's impacts.

3 5.6.10 Noise

4 As construction requirements will be the same as those for the Project, potential
5 construction noise impacts for the Alternate Site Alternative will also be similar to that of
6 the Project. Construction requirements with regard to the length of time required for daily
7 operation of equipment onsite, as well as the length of time required to construct the overall
8 facilities, will be generally the same as that for the proposed Project, but the alternative's
9 tunnel between the proposed alternative site and the Central Jail will be longer and require
10 a longer construction period. The magnitude of excavation-related and demolition-related
11 sound will produce significant noise impacts to persons in the Columbia Center at 401 West
12 A Street and the Sofia Hotel. The Alternate Site Alternative's mitigation measures will be
13 similar to that of the proposed Project as construction noise impacts will remain significant
14 despite adoption of mitigation measures. No long-term potential operational noise impacts
15 will occur with the proposed Project or with the Alternate Site Alternative. Other noise
16 impacts will be less than significant for both the Proposed Project and the Alternate Site
17 Alternative.

18 5.6.11 Population and Housing

19 The site for the Alternate Site Alternative is in a highly urbanized area and development of
20 the site with the proposed courthouse-related uses will be generally consistent with adopted
21 plans and policies applicable to the site. The Alternate Site Alternative will not induce
22 substantial population growth nor the construction of additional housing. There is no
23 residential housing located on this alternate site, and neither the alternative nor the Project
24 will displace housing. No significant impacts with regard to population and housing will
25 occur, and no mitigation is required. The Alternate Site Alternative's population and
26 housing impacts will be similar to the Project's impacts.

27 5.6.12 Public Services

28 The City currently provides fire protection services to the existing uses on the proposed
29 alternate site. Construction of the new Central Courthouse and demolition of the County
30 Courthouse and Old Jail do not represent a significant increase in intensity of use over other
31 high-rise building in the immediate vicinity and will not create unacceptable service ratios.
32 Similar to the Project, two fire stations are within close proximity to the site, and required
33 response times can be met. This alternative will have a less than significant impact on fire
34 response times.

1 Security for the potential Alternate Site Alternative will be provided by personnel from the
2 County Sheriff's Department, in combination with contracted private security personnel. If
3 needed, the City Police Department has indicated that it can provide police protection
4 services for a new Central Courthouse and can meet response times established by the City.⁴
5 Since the new courthouse will not significantly increase the intensity of use over the existing
6 courthouse operations, impacts will be less than significant.

7 Similar to the Project, the potential Alternate Site Alternative will not generate new
8 residential housing or other land uses that will result in an increase in population or
9 housing demands. This alternative will not increase demands on local schools due to an
10 increase in the number of school-aged children in the area that will require educational
11 services provided by the public school system. Similar to the Project, this alternative will
12 replace the existing courthouse and Old Jail and does not represent a new use that will
13 significantly increase demand for public parks, libraries, or other public services over that
14 currently generated by operation of the existing courthouse and jail. Therefore, this
15 alternative will not result in create a significant demand for the provision of new or
16 physically altered governmental facilities that will adversely affect acceptable service ratios,
17 response times, or other performance objectives for schools, parks, or other public facilities.
18 Impacts will be less than significant, and no mitigation is required.

19 The Alternate Site Alternative's public services impacts will be similar to the Project's
20 impacts.

21 5.6.13 Recreation

22 The Alternate Site Alternative will not increase the use of existing neighborhood or regional
23 parks or other recreational facilities, as it does not propose housing that will have the
24 potential to indirectly increase public demand for area recreational facilities. In addition,
25 this alternative does not represent a significant increase in intensity of use over that of the
26 existing facilities, and therefore, an increase in demand for public recreational facilities is
27 not anticipated. Therefore, no significant impacts on recreation facilities will occur, and no
28 mitigation is required. The Alternate Site Alternative's recreation impacts will be similar to
29 the Project's impacts.

30 5.6.14 Traffic

31 The Alternate Site Alternative will potentially construct a new Central Courthouse and
32 associated facilities consistent with that proposed with the Project at an alternate location.
33 Since the proposed facilities will be similar to the Project and the proposed alternate site is

⁴ City of San Diego Police Department. Personal communication with Sgt. Steve Behrendt, Research and Planning. May 19, 2010.

1 located approximately 400 feet to the north of the site proposed with the Project, the AOC
2 assumes that conditions with regard to the existing circulation system in the area (roadways
3 affected, bicycles, public transit, pedestrian circulation, level of service, etc.) are the same as
4 for the Project. In addition, since the alternative proposes no changes to the overall design of
5 the new Central Courthouse, trip generation will be the same as for the Project, or
6 approximately 134 new vehicle-based trips greater than the existing conditions.

7 Therefore, similar to the Project, the Alternate Site Alternative will not conflict with an
8 applicable plan, ordinance, or policy establishing measures of effectiveness for the
9 performance of the existing circulation system, or conflict with an applicable congestion
10 management program. In addition, no impacts will occur from a change in air traffic
11 patterns, nor will this alternative substantially increase hazards because of a design feature
12 or incompatible uses. This alternative will not result in inadequate emergency access, nor
13 will it conflict with adopted policies, plans, or programs regarding public transit, bicycle, or
14 pedestrian facilities, nor otherwise decrease the performance or safety of such facilities.
15 Therefore, impacts with regard to traffic will be less than significant, and no mitigation is
16 required. The Alternate Site Alternative's traffic and circulation impacts will be similar to
17 the Project's impacts.

18 5.6.15 Utilities and Service Systems

19 The Alternate Site Alternative will potentially be in the same general area as the Project,
20 within highly developed downtown San Diego. Therefore, conditions with regard to utilities
21 and service systems will be similar. The alternate site is located in an area where electricity,
22 water and sewer service, storm water drainage facilities, wastewater treatment, solid waste
23 disposal, telephone, cable, and other such utilities and services are presently available. Such
24 utilities will be available to adequately serve a new Central Courthouse at this location
25 without requiring the construction of new facilities or the expansion of existing facilities. As
26 a result, the Alternate Site Alternative will not have a significant adverse effect on such
27 facilities or services. Impacts will be less than significant, and no mitigation is required. The
28 Alternate Site Alternative's utility and services impacts will be similar to the Project's
29 impacts.

30 5.6.16 Water Quality and Hydrology

31 The Alternate Site Alternative will potentially develop the site similarly to that proposed
32 with the Project. Since grading and excavation requirements for the courthouse and tunnel
33 will generally be similar to the Project, potential impacts on stormwater quality and
34 hydrology will be similar to that of the Project. Development of this alternative will require
35 implementation of BMPs to reduce potential impacts to less than significant. In addition,

1 similar measures to control stormwater runoff and waste water discharge from the site will
2 be utilized with this alternative. Preparation and implementation of a Storm Water Pollution
3 Prevention Plan will also be required, and design measures consistent with LEED Silver
4 certification will be integrated to reduce potential adverse effects on water quality.
5 Development of the proposed courthouse will not substantially change the amount of
6 impervious surface area on the site or in the surrounding area. As a result, this alternative
7 will not significantly increase surface water runoff volumes. Impacts will be less than
8 significant, and no mitigation is required.

9 Similar to the Project, this alternative will not deplete groundwater, and is not within the
10 100-year floodplain of the 1997 Federal Emergency Management Agency (FEMA) maps that
11 will be subject to potential flooding.⁵ The site is distanced from the San Diego Bay, and
12 therefore, will not be subject to inundation by a tsunami. The site has relatively flat
13 topography and will not experience mudflow or erosion, and is not in an area that is subject
14 to inundation by seiches. Therefore, no impacts will occur.

15 The Alternate Site Alternative's water quality and hydrology impacts will be similar to the
16 Project's impacts.

17 5.6.17 Conclusion

18 The Alternate Site Alternative will offer an alternative site of adequate size for construction
19 of the new courthouse facilities, and the alternative can achieve some of the AOC's
20 objectives; however, the AOC concludes that the Alternate Site Alternative will not
21 eliminate or reduce any of the proposed Project's potentially significant impacts or
22 significant impacts. This alternative and the Project will have the same significant impacts,
23 potentially significant impacts that become less than significant after adoption of the same
24 mitigation measures, and less than significant impacts.

25 Although the size of the alternate downtown site can accommodate 750,000 building gross
26 square feet for 71 courtrooms, the Alternate Site Alternative provides limited integration
27 and cohesiveness of the new courthouse with the Hall of Justice and other County-related
28 uses. In particular, the Alternate Site Alternative will be over 500 feet distant from the Hall
29 of Justice and Central Jail; since the existing County Courthouse facility is less than 100 feet
30 from the Hall of Justice and Central Jail, the Alternate Site's location will not preserve the
31 efficiency of the Superior Court, the District Attorney, and San Diego Sheriff since its
32 potential tunnel linking the County's Central Jail and the Hall of Justice with the new
33 courthouse will be much longer than the existing tunnel connection. The use of a pedestrian
34 bridge between the potential alternate site and the Hall of Justice is not feasible, and the use

⁵ U.S. Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, Flood Insurance Rate Map No 06073C2375, map effective June 19, 1997. (<http://msc.fema.gov>)

1 of tunnels will require greater infrastructure improvements, real estate arrangements, and
2 additional studies for potential impacts due to the increased distances involved between the
3 alternate site and the Hall of Justice.

4 5.7 ALTERNATE PROJECT SITES

5 In locating a potential site for the Project, the AOC identified a number of alternative
6 locations in the downtown San Diego area. The following discussion of alternative sites
7 considers the studies identified below which have been prepared to-date to evaluate an
8 appropriate location for the proposed San Diego New Central Courthouse Project:

- 9 ▪ Superior Court of California County of San Diego New San Diego Central
10 Courthouse Budget Package, Prepared by Skidmore, Owings & Merrill (SOM),
11 LLP (September 3, 2009);
- 12 ▪ Revised Draft Environmental Impact Report for San Diego Court/Office Building
13 Expansion, Prepared by Michael Brandman Associates (January 11, 1993); and,
- 14 ▪ Draft Program Environmental Impact Report - San Diego County Courthouse
15 Replacement Project, Prepared by RECON (February 2001).

16 SOM prepared *The Superior Court of California County of San Diego New San Diego Central*
17 *Courthouse Budget Package* (September 2009) through collaboration with Superior Court
18 judges, staff, and the AOC to identify expectations, identify and understand the goals and
19 challenges of the community and stakeholders, develop courtroom concepts that meet the
20 court's needs over the next 15-20 years, and determine area requirements and space
21 allocations of primary court functions. The study included consideration of the Project site
22 currently proposed for the San Diego New Central Courthouse Project. Site selection
23 objectives were:

- 24 ▪ To identify and study up to five sites to accommodate building area up to
25 700,000 gross square feet;
- 26 ▪ To identify and understand the goals and challenges of the community and
27 stakeholders;
- 28 ▪ To develop a long-term vision of civic presence and to ratify the vision with
29 public constituents;
- 30 ▪ To identify opportunities and constraints of each site option to inform decision-
31 makers; and,
- 32 ▪ To identify estimated construction costs for each option.

33 The study considered schemes and other supporting land uses to achieve a potential
34 integrated plan. The study determined three of the five schemes (Schemes 1, 2, and 3) to be

1 most viable with regard to specific site issues, urban design considerations, and budgetary
2 factors. Schemes 4 and 5 did not meet as many of the Project criteria developed by the Court
3 Advisory Group, the AOC, and the Project architects. The study provides a summary of the
4 findings for each site which are briefly described in *Table 5-2: Alternative Project Sites (Budget*
5 *Package)*. A more detailed analysis is provided in the *Budget Package* (available under
6 separate cover).

7 In addition, the *Revised Draft Environmental Impact Report for San Diego Court/Office Building*
8 *Expansion* (January 1993) provided an analysis of three potential sites for the new
9 courthouse which included the AOC's proposed Project site, the block to the south of the
10 Project site (since this is the present-day site of the Hall of Justice, the AOC eliminated this
11 site from further consideration), and a third site south of B Street on a one-half block
12 between Front Street and First Avenue (since the Central Fire Station occupies this site, the
13 AOC eliminated this site from further consideration).

14 The January 1993 EIR also evaluated three alternative sites in the discussion of Project
15 alternatives. These sites included one full block bounded by Front, A, First, and Ash Streets;
16 a site between Beech, State, Ash, and Columbia Streets; and, a site located by Pacific
17 Highway, Broadway, E, and California Streets. The block adjacent to Front, A, First, and
18 Ash Streets is approximately 1,000 feet from the Hall of Justice and 500 feet from the Central
19 Jail; the AOC concluded that the distances from the District Attorney and Central Jail made
20 this location infeasible. A new residential building now occupies the block adjacent to
21 Beech, State, Ash, and Columbia Streets, and the site is approximately 1,300 feet from the
22 Hall of Justice and 1,100 feet from the Central Jail; the AOC concluded that the presence of
23 the new building and the distances from the District Attorney and Central Jail made this
24 location infeasible. Finally, the block adjacent to Pacific Highway, Broadway, E, and
25 California Streets is approximately 1,600 feet from the Hall of Justice and 1,700 feet from the
26 Central Jail; the AOC concluded that the distances from the District Attorney and Central
27 Jail made this location infeasible.

28 The *Program Environmental Impact Report* prepared for the Project in January 1993 also
29 provided a site-specific, in-depth evaluation of an alternative site bounded by First Avenue,
30 Front Street, Beech Street, and Cedar Street. The site was located four blocks north and two
31 blocks east of the current proposed Project site. At the time the Program EIR was prepared,
32 a parking lot was located on the site; however, a large apartment complex now occupies the
33 site, and the AOC concludes that it no longer provides a viable site for consideration as a
34 potential alternative location in this EIR.

1 **5.8 ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

2 CEQA Guidelines Section 15126.6(e) requires a Lead Agency to identify an environmentally
3 superior alternative and states that “if the environmentally superior alternative is the ‘No
4 Project’ alternative, the EIR shall also identify an environmentally superior alternative
5 among the other alternatives.”

6 From the alternatives evaluated for the proposed Project, the environmentally superior
7 alternative is the No Project Alternative. This alternative will avoid all significant impacts of
8 the Project; however, in accordance with the CEQA Guidelines, an environmentally superior
9 alternative must also be selected from the remaining Project alternatives. The
10 environmentally superior alternative among the remaining alternatives is the Reduced
11 Project Alternative.

12
13

ALTERNATIVES

1
2

Table 5-1: Project Alternatives – Impacts Compared to the Project

Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
Aesthetics/Visual Resources	No Effect	Similar ⁶	Similar ⁶
Agricultural Resources	No Effect	No Effect	No Effect
Air Quality	No Effect	Similar ⁷	Similar ⁷
Biological Resources	No Effect	Similar (No Effect)	Similar (No Effect)
Cultural and Historic Resources	No Effect	Similar ⁶	Similar ⁶
Geology, Soils, and Seismicity	No Effect	Similar ⁶	Similar ⁶
Hazards/Hazardous Materials	No Effect	Similar ⁶	Similar ⁶
Land Use and Planning	No Effect	Similar ⁷	Similar ⁷
Mineral Resources	No Effect	No Effect	No Effect
Noise	No Effect	Similar ⁸	Similar ⁸
Population and Housing	No Effect	Similar	Similar
Public Services	No Effect	Similar ⁷	Similar ⁷
Recreation	No Effect	No Effect	No Effect
Traffic	No Effect	Similar ⁷	Similar ⁷
Utilities and Service Systems	No Effect	Similar ⁷	Similar ⁷
Water Quality and Hydrology	No Effect	Similar ⁷	Similar ⁷

⁶ Either less than significant or potentially significant (but less than significant after adoption of mitigation measures)

⁷ Less than significant

⁸ Either less than significant or significant despite proposed mitigation

1

2

Table 5-2: Alternative Project Sites (Budget Package)

Highlights	Issues
<i>Scheme 1: Between Union Street and State Street between B Street and C Street</i>	
<ul style="list-style-type: none"> • Creates a new mixed-use civic center gathered around Civic Center garden. • Yields public views from new courthouse to Civic Center garden and the City. • Provides a potential main entry pavilion to create a grand public room at Civic Center garden. • New courthouse gives visual access to justice system with view from park to public corridor. 	<ul style="list-style-type: none"> • Requires site acquisition. • Makes direct connection to Hall of Justice possible. • Allows use of Broadway site's property value to offset land acquisition costs for Scheme 1 site. • Allows redevelopment of Broadway site for civic or private office building, but Broadway site may remain vacant for extended period, leaving Civic Center garden plan incomplete.
<i>Scheme 2: Between Union Street and Front Street between Broadway and C Street</i>	
<ul style="list-style-type: none"> • Gives Superior Court a strong presence and identity on Broadway. • Allows courthouse's public corridor to provide significant views to the San Diego Bay. • Allows setback of new building from Union Street to create link from Broadway into new Civic Center garden. • Provides strong relationship across Broadway to Federal Courthouse and plaza. 	<ul style="list-style-type: none"> • Complicates phasing with existing courthouse. • Requires temporary space for displaced courtrooms and users of existing courthouse. • Provides site directly adjacent to Hall of Justice. • Provides relatively short prisoner tunnel to Central Jail. • Requires addition of main entry pavilion in Phase 2 after demolition of existing courthouse. • Provides new courthouse that will be an immediate anchor on Broadway for new Civic Center garden.

Table 5-2: Alternative Project Sites (Budget Package), continued

Highlights	Issues
<i>Scheme 3: Between Union Street and State Street between A Street and B Street (analyzed under Alternate Site Alternative, above)</i>	
<ul style="list-style-type: none"> • Creates a new mixed-use Civic Center gathered around the Civic Center garden. • Yields public views from the new courthouse to the Civic Center garden and the City. • Creates a grand public room on the Civic Center garden. • New courthouse displays “judicial process in action” with view from park to public corridor. 	<ul style="list-style-type: none"> • Uses a site potentially impacted by a seismic fault. • Requires a complicated land swap for acquisition. • Requires a long tunnel connection or bussing of prisoners; no direct connection to Hall of Justice is possible. • Depends on full buildout of master plan for success of courthouse.
<i>Scheme 4: Between Union Street and Front Street between A Street and Ash Street</i>	
<ul style="list-style-type: none"> • Creates a new mixed-use civic center gathered around the Civic Center garden. • Yields public views from the new courthouse south to Civic Center garden and the San Diego Bay beyond. • Makes courthouse a formal centerpiece on the Civic Center garden and supports future development. 	<ul style="list-style-type: none"> • Involves displacement of existing State Office Building and its users. • Requires site acquisition. • Involves a site potentially affected by seismic fault. • Requires a longer tunnel connection or bus transport of prisoners. • Makes new courthouse site a long walk from the Hall of Justice. • Makes success of courthouse dependent on full buildout of a master plan.
<i>Scheme 5: Between First Street and Second Street between B Street and C Street</i>	
<ul style="list-style-type: none"> • New courthouse re-energizes existing City Hall area. • Encourages opening B Street through existing City block. • Creates new Civic Center plaza between the new courthouse and the existing performing arts center. 	<ul style="list-style-type: none"> • Provides a short connection to Central Jail. • Requires site acquisition and demolition of existing Golden Hall and perhaps City Hall. • Provides a courthouse site that does not participate in the energy of the new Civic Center garden. • Provides a courthouse site that has view corridors affected by the surrounding tall buildings. • Is far removed from the Hall of Justice and the new Federal Courthouse.

6.0 OTHER CEQA CONSIDERATIONS

Per Section 15126 of the CEQA Guidelines, a lead agency must consider all aspects of a project including the planning, acquisition, development, and operation phases. As part of this analysis, an EIR must also identify: (1) significant environmental effects of a project; (2) significant environmental effects that cannot be avoided if a project is implemented; (3) significant irreversible environmental changes that will result from implementation of a project; and, (4) growth-inducing impacts of the project.

6.1 SIGNIFICANT AND UNAVOIDABLE IMPACTS

Per Section 15126.2(b) of the CEQA Guidelines, an EIR must describe any significant impacts. *Chapter 4.0* discusses the anticipated environmental effects of the Project. The Project will have potentially significant impacts for: aesthetics and visual resources; cultural and historic resources; geology, soils, and seismicity; and hazards and hazardous materials.

Section 4.2.4.3 evaluates whether the Project substantially degrades the existing visual character or aesthetic quality of the site and its surroundings, and the analysis concludes that new courthouse building's interactions with wind patterns may adversely affect pedestrians or others occupying the sidewalks and public spaces below, which in turn may significantly degrade the aesthetic quality of the existing pedestrian environment around the Project site. To prevent the new courthouse from generating high-velocity groundborne winds, the AOC intends to adopt Mitigation Measure AES-1b, which requires the AOC to include building features that will intercept winds moving down the building's face toward the ground and prevent substantial wind impacts on pedestrians. The AOC concludes that incorporation of mitigation measure AES-1b into the Project design will reduce potential building-related wind generation impacts to a level that is less than significant.

Section 4.6.4.2 evaluates whether the Project will cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.05, and the analysis concludes that significant cultural resources may be present on the Project site and the Project's grading, excavation, construction, and demolition activities will cause potentially significant impacts to unknown archaeological resources. To reduce impacts to the potential cultural resources, the AOC intends to adopt Mitigation Measure CR-1, which requires that the AOC will (1) require its developer to retain a qualified archaeologist who shall perform specified activities; (2) prohibit personnel working on the Project from collecting archaeological resources; (3) require that a qualified archaeologist will be present for pre-construction meetings and any Project-related excavations of the uppermost 15 feet of soils on the site when the AOC begins its construction operations; (4) the qualified archaeologist shall submit a cultural resources management plan to the AOC prior to the

1 start of construction that outlines the procedures that the AOC and construction personnel
2 will follow if personnel discover cultural resources during excavation operations; and, (5) if
3 construction operation personnel discover buried cultural resources, then excavation
4 workers shall stop operations in that area until the consulting archaeologist can assess the
5 significance of the find, evaluate the discovery, determine its significance, and provide
6 proper management recommendations. The AOC concludes that incorporation of
7 Mitigation Measure CR-1 into the Project design will reduce potential cultural resource
8 impacts to a level that is less than significant.

9 *Section 4.7.4.5* evaluates whether the Project will destroy a unique paleontological resource
10 or site, and the analysis concludes that significant paleontological resources may be present
11 on the Project site and the Project's construction activities will cause potentially significant
12 impacts to unknown paleontological resources. To reduce impacts to the potential
13 paleontological resources, the AOC intends to adopt Mitigation Measure GEO-1, which
14 requires that the AOC will (1) require its developer to retain a qualified paleontologist who
15 shall perform specified activities; (2) prohibit personnel working on the Project from
16 collecting archaeological resources; (3) require that a qualified paleontologist will be present
17 for pre-construction meetings and any Project-related excavations specified strata on the site
18 when the AOC begins its construction operations; (4) the qualified paleontologist shall
19 submit a paleontological resources management plan to the AOC prior to the start of
20 construction that outlines the procedures that the AOC and construction personnel will
21 follow if personnel discover paleontological resources during excavation operations; and,
22 (5) if construction operation personnel discover paleontological resources, then excavation
23 workers shall stop operations in that area until the consulting paleontologist can assess the
24 significance of the find, evaluate the discovery, determine its significance, and provide
25 proper management recommendations. The AOC concludes that incorporation of mitigation
26 measure GEO-1 into the Project design will reduce potential paleontological resource
27 impacts to a level that is less than significant.

28 *Section 4.8.4.4* evaluates whether the Project will create a significant hazard to the public or
29 the environment through reasonably foreseeable upset and accident conditions involving
30 the release hazardous materials into the environment, and the analysis concludes that an
31 underground object is present on the site and that this anomaly may be a buried storage
32 tank. To reduce impacts to the potential cultural resources, the AOC intends to adopt
33 Mitigation Measure HAZ-1, which requires that the AOC will excavate the area
34 approximately 20 feet west of Monitoring Well 1 for evidence of an underground storage
35 tank; if an underground storage tank is present, the AOC shall remove the tank under
36 permit and inspection of the County of San Diego Department of Environmental Health,
37 Underground Storage Tank Program. The AOC concludes that incorporation of Mitigation
38 Measure HAZ-1 into the Project design will reduce hazardous material impacts to a level
39 that is less than significant.

1 The AOC will adopt the mitigation measures discussed. All such impacts identified as
2 potentially significant can be mitigated to less than significant through the implementation
3 of the proposed mitigation measures.

4 *Chapter 4.0* also concludes that the Project will have significant construction-related noise
5 impacts. *Section 4.11.4.2* evaluates whether the Project will produce a substantial temporary
6 or periodic increase in ambient noise levels in the Project vicinity above levels existing
7 without the Project, and the analysis concludes that excavation-related noise levels at the W
8 Hotel and Superior Court will be significant and demolition-related noise levels at the Sofia
9 Hotel will be significant. The Project will implement Mitigation Measure NOI-1, which will
10 require the AOC to ensure that (1) all construction equipment shall have properly operating
11 and maintained mufflers and other State State-required noise attenuation devices; the
12 AOC's construction contractor shall post notices at the Project construction site that indicate
13 the dates and duration of construction activities and a contact name and telephone number
14 where residents can inquire about the construction process and register complaints; the
15 AOC's construction contractor shall designate a Noise Disturbance Coordinator and make
16 the coordinator responsible for responding to any local complaints about construction noise;
17 and, where feasible during construction, the construction contractor shall place stationary
18 construction equipment in locations where the emitted noise is away from sensitive noise
19 receivers. Despite implementation of Mitigation Measure NOI-1, the AOC concludes that
20 the construction excavation and demolition noise impacts will remain significant.

21 In addition to reviewing potential mitigation measures for the significant construction-
22 related noise impacts, the AOC evaluated potential alternatives to determine whether the
23 alternatives can avoid the Project's impacts. As discussed in *Chapter 5*, the No Project
24 Alternative has no noise impacts, but it does not accomplish the Project's objectives.

25 The Reduced Project Alternative provides a smaller courthouse that reduces the duration of
26 the excavation-related noise impacts, but the magnitude of the alternative's excavation-
27 related noise impacts remain unchanged, and the alternative's excavation-related impacts
28 remain significant despite mitigation; for demolition, the alternative's impacts remain the
29 same as the Project's impacts.

30 The Alternate Site Alternative relocates the courthouse site, which eliminates significant
31 excavation-related noise impacts to the W Hotel and the County Courthouse; however, the
32 Alternate Site Alternative produces the same magnitude of excavation-related noise as the
33 Project, and the AOC concludes that excavation-related noise impacts to the Columbia
34 Center at 401 West A Street, which is adjacent to the alternative's site, will be the same as the
35 Project's impacts to the W Hotel and Superior Court. The Alternate Site Alternative's
36 demolition-related noise impacts remain the same as the Project's impacts.

1 Although the AOC has adopted mitigation measures for the construction-related noise
2 impacts, the impacts remain significant. In addition, the AOC evaluated alternatives to the
3 Project, but the AOC concludes that the alternatives' construction-related noise impacts are
4 also significant. Therefore, the AOC concludes that the construction-related noise impacts
5 are unavoidable.

6 6.2 GROWTH INDUCING IMPACTS

7 As required by State CEQA Guidelines (Section 15126.2(d)), consideration of growth-
8 inducing impacts resulting from a project is part of the EIR analysis. According to CEQA,
9 growth inducement is "...ways in which the project could foster economic or population
10 growth, or the construction of additional housing, either directly or indirectly, in the
11 surrounding environment."

12 Induced growth is any growth that exceeds planned growth and results from new
13 development that would not have taken place without the implementation of the project.
14 Typically, the growth inducing potential of a project is significant if it results in growth or
15 population concentration that exceeds those assumptions included in pertinent master
16 plans, land use plans, or projections made by regional planning authorities.

17 A project may foster spatial, economic, or population growth if it removes an impediment to
18 growth (for example, if the project provides new access or utility service to an area not
19 previously served, or changes a property's zoning designation or General Plan land use
20 designation to allow for a more intensive use); or, economic expansion or growth occurs in
21 an area as the direct or indirect result of a project (creation of new housing or employment
22 opportunities).

23 6.2.1.1 Elimination of Obstacles to Growth

24 The New San Diego Central Courthouse Project will replace existing courthouse facilities in
25 a highly urbanized area where public services and utilities currently serve the proposed site.
26 The Project will not remove any infrastructure limitations, provide infrastructure capacity,
27 or remove regulatory constraints that could result in unforeseen growth. The Project will not
28 provide expanded utilities or other infrastructure that will have the potential to stimulate
29 growth within or beyond the urban core. Instead, the Project will contribute to the
30 redevelopment of downtown San Diego.

31 6.2.1.2 Economic Effects

32 The Project may provide a very minor increase in employment opportunities for courthouse
33 staff expansion of facilities related to the new courtroom. The AOC anticipates that local or
34 imported workers will fill the employment opportunities and will produce both direct and

1 indirect economic effects for the City. In addition, construction activities may produce
2 minor increases in local demand for goods and services, including temporary housing.

3 6.2.1.3 Impacts of Induced Growth

4 Certain projects have the potential to induce population and housing growth through the
5 provision or expansion of public services and facilities into currently unserved areas. The
6 Project does not involve changes to the City's General Plan that could have the potential to
7 induce growth or result in growth that is otherwise not anticipated by the City. In addition,
8 the Project site is in downtown San Diego and it will not encourage growth that eliminates
9 open space, recreational, or agricultural areas lands from the City's inventory of resources.

10 The City considers implementation of San Diego Downtown Community Plan to be a key
11 component for management of regional growth by providing increased employment and
12 housing opportunities in the downtown area. In addition, ongoing implementation of the
13 adopted Plan positively affects the jobs/housing balance by increasing densities near
14 employment centers and promoting infill development.

15 The proposed New San Diego Central Courthouse Project will involve the development of a
16 courthouse building within the Centre City district of downtown San Diego. The proposed
17 use is consistent with the land use and guidelines of the adopted San Diego Downtown
18 Community Plan. The Project area is urbanized with few obstacles to growth because water
19 and sewer service, roads, and other utilities are currently provided. The Project will result in
20 only incremental demands for these services over that which are currently generated by the
21 existing courthouse facilities. The development of an additional high-rise structure
22 (replacement courthouse) will not encourage or facilitate other future development not
23 already planned or anticipated. For the reasons stated above, implementation of the Project
24 will not have adverse growth-inducing impacts.

25 6.3 CUMULATIVE IMPACTS

26 Section 15130(b) of the CEQA Guidelines states that an EIR must provide a cumulative
27 analysis based on either a list of past, present, and probable future projects that will produce
28 related impacts, or a summary of development projections contained in an adopted general
29 plan or related planning document. Cumulative impacts occur when "two or more
30 individual effects which, when considered together, are considerable or which compound to
31 increase other environmental effects" (CEQA Guidelines Section 15355). Cumulative
32 impacts must be analyzed within an EIR. If the project's contribution is considered to be
33 "cumulatively considerable" (CEQA Guidelines Sections 21083 and 15130) a lead agency
34 must provide feasible mitigation to reduce and/or avoid a project's contribution to any
35 significant cumulative impacts. A project's effects are "cumulatively considerable" when

1 “the incremental effects of an individual project are significant when viewed in connection
2 with the effects of past projects, the effects of other current projects, and the effects of
3 probable future projects” (CEQA Guidelines Section 15065(a)). The severity of potential
4 cumulative impacts and their likelihood of occurrence should be considered in the
5 discussion.

6 The cumulative analysis for this EIR is based on the list method. A list of probable (or
7 reasonably foreseeable) projects within the downtown area is provided in *Table 6-1:*
8 *Cumulative Projects*, and shown in *Figure 6-1: Cumulative Projects*. The information presented
9 in *Table 6-1* was obtained from the City of San Diego Centre City Development Corporation
10 in May 2010. The list represents past, present, and future projects within the Centre City
11 Planned District boundaries and includes a mixture of residential, commercial, and public
12 improvement projects. The following discussion evaluates the anticipated cumulative effects
13 of the Project and the Project alternatives when considered with the projects identified in
14 *Table 6-1*. The AOC notes that potential cumulative impacts for most issues areas will be
15 similar among the Project alternatives. This is a function of the size and location
16 requirements of the necessary to make the courthouse function efficiently and securely. The
17 courthouse must also be located near the central jail and the superior courthouse because of
18 the proposed tunnel and bridge connections.

19 6.3.1 Reduced Project Alternative

20 6.3.1.1 Aesthetic/Visual Resources

21 Construction effects of the Project will be short-term and temporary and will not have a
22 significant effect on the existing visual character or aesthetic setting. The Centre City
23 Development Corporation’s list of upcoming projects in the Project area did not identify
24 other large-scale development projects within the immediate area that might contribute to
25 cumulative impacts on the visual character or aesthetic quality of the surrounding area
26 during the construction phase. As the Reduced Project Alternative will result in similar
27 construction as the Project, this Alternative will have no significant impacts on visual
28 character or aesthetic quality. Therefore, potential construction impacts on visual character
29 or aesthetic quality are less than cumulatively considerable.

30 With regard for post-construction, operation, and maintenance issues, the Project’s effects
31 on the existing visual character or aesthetic quality of the site and its surroundings will be
32 less than significant. Significant direct impacts may result from the potential generation of
33 high-velocity groundborne winds from development of the site with the proposed
34 courthouse; however, the AOC will implement mitigation with both the Project and the
35 Reduced Project Alternative to reduce such impacts to less than significant. All other future
36 development within the area will also be subject to the City’s or other applicable design

1 regulations to reduce the potential for such effects to contribute to a cumulative impact with
2 regard to wind generation. Therefore, potential cumulative operational impacts on visual
3 character or aesthetic quality are less than cumulatively considerable.

4 6.3.1.2 Agricultural Resources

5 The proposed site is in a highly urbanized area in downtown San Diego. Surrounding land
6 uses include high-density, larger-scale institutional, commercial, and limited residential
7 uses. As such, no Farmland or agricultural lands are present, and neither the Project nor the
8 Reduced Project Alternative will affect any properties zoned for agricultural use or affected
9 by a Williamson Act Contract. Development of the site with the proposed County
10 Courthouse will therefore not contribute to cumulative impacts on existing agricultural uses
11 or cause the conversion of agricultural lands to a non-agricultural use. Potential cumulative
12 impacts on agricultural resources are less than cumulatively considerable.

13 6.3.1.3 Air Quality

14 Construction activities for the Project will have less than significant effects on air quality
15 near the site and its surroundings. In addition, for post-construction, operation, and
16 maintenance issues, the EIR concludes that the Project will have a less than significant effect
17 on air quality near the site and its surroundings. The Reduced Project Alternative will
18 require similar, but lesser, requirements for construction due to the reduced scope. The
19 AOC will implement design measures to ensure that impacts on air quality remain less than
20 significant. All other future similar development within the area will also be subject to the
21 City review and applicable Federal, State, and local measures to reduce potential impacts to
22 less than significant, or to the extent possible. The Project and the Reduced Project
23 Alternative will not contribute to a significant cumulative impact on air quality. Therefore,
24 potential impacts on air quality are considered less than cumulatively considerable.

25 6.3.1.4 Biological Resources

26 As the site is presently developed with a surface parking lot and several small-scale
27 structures, native or non-native vegetation is not present onsite. As such, no onsite habitat
28 exists to support the nesting or breeding of sensitive wildlife species. In addition, no
29 wetland habitat is present onsite. As a result, neither the Project nor the Reduced Project
30 Alternative will result in significant impacts on sensitive habitat or wildlife species, and no
31 mitigation measures will be required. Therefore, potential impacts on biological resources
32 are considered less than cumulatively considerable.

1 6.3.1.5 Cultural Resources

2 As they would be constructed on the same site, the Project and the Reduced Project
3 Alternative will have the same potentially significant impact on unknown cultural
4 resources. The AOC will be implement mitigation monitoring measures during grading
5 activities to reduce potential impacts to a level that is less than significant. All future
6 development in the downtown area will be subject to City review and applicable Federal,
7 State, and local requirements to reduce potential impacts on cultural resources to less than
8 significant. Therefore, potential cumulative effects are considered less than cumulatively
9 considerable.

10 6.3.1.6 Geology, Soils, and Seismicity

11 Similar to the Project, the Reduced Project Alternative will require excavation and grading
12 activities that will disturb underlying soils and may potentially uncover unknown
13 paleontological resources; however, similar to the Project, the AOC will adopt mitigation
14 measures to reduce effects to a level that is less than significant. As other projects in the
15 downtown area will be subject to similar measures during the development phase, the
16 Project and the Reduced Project Alternative will not contribute to a cumulative impact with
17 regard to paleontological resources. The AOC finds no other cumulative effects with regard
18 to geology and soils. Therefore, potential cumulative effects are less than cumulatively
19 considerable.

20 6.3.1.7 Hazards and Hazardous Materials

21 As the proposed location will be the same for the Project and the Reduced Project
22 Alternative, both developments will have the same significant impact with regard to
23 hazardous materials, and the AOC will implement mitigation measures to reduce potential
24 impacts to a level that is less than significant. All future development in the downtown area
25 will be subject to City review and applicable Federal, State, and local requirements to reduce
26 potential impacts with regard to hazards or hazardous materials on a site-specific basis and
27 with consideration for other sites within the surrounding area. Therefore, potential
28 cumulative effects are less than cumulatively considerable.

29 6.3.1.8 Land Use and Planning

30 The Project and the Reduced Project Alternative will develop the proposed site with a land
31 use anticipated by the City in the San Diego Downtown Community Plan, and will not
32 conflict with existing land use plans, policies, or regulations or other applicable habitat
33 conservation plans. The City will review all future land development within the area
34 through the discretionary permit process to demonstrate consistency with the General Plan
35 (as applicable) and Municipal Code. In addition, neither the Project nor the Reduced Project

1 Alternative will physically divide a community, as the site is located in a highly developed
2 area of downtown San Diego. As the Project and the Reduced Project Alternative will not
3 result in significant land use or planning impacts, they will not contribute to an overall
4 cumulative impact in the area. Thus, potential cumulative effects are less than cumulatively
5 considerable.

6 6.3.1.9 Mineral Resources

7 The sites proposed for the Project and the Reduced Project Alternative is not located in an
8 area designated as a mineral resource zone by the City of San Diego. Implementation of the
9 Project or the Reduced Project Alternative will not result in the loss of availability of a
10 known mineral resource that is of value to the region or to the residents of the State. The
11 downtown area is not known as an area where minerals have been extracted in the past. In
12 addition, the site is not currently being utilized for mineral extraction, and the site has not
13 been delineated on a local general plan, specific plan, or other land use plan as a locally
14 important mineral resource recovery site. Therefore, neither the Project nor the Reduced
15 Project Alternative will contribute to significant cumulative impacts on such resources.
16 Potential cumulative effects are less than cumulatively considerable.

17 6.3.1.10 Noise

18 The Project and the Reduced Project Alternative will have similar construction
19 requirements, although the Reduced Project Alternative will result in a shorter duration of
20 construction noise. The AOC has no knowledge that another party plans to construct a
21 nearby building that will contribute potentially significant cumulative construction noise.
22 The Project and the Reduced Project Alternative will have significant construction-related
23 noise impacts despite mitigation, but there will not be adjacent construction operations that
24 will contribute to a significant cumulative noise impacts. Operational noise impacts will be
25 less than significant, and therefore, will not contribute to a significant cumulative impact
26 with regard to noise. All future development within the downtown area will be subject to
27 the City's noise requirements and the regulations identified in the General Plan Noise
28 Element and Municipal Code to reduce potential significant effects. For these reasons,
29 potential cumulative effects are less than cumulatively considerable.

30 6.3.1.11 Population and Housing

31 The site for the Project and the Reduced Project Alternative is in a highly urbanized area,
32 and development of the site with the proposed courthouse-related uses will be generally
33 consistent with adopted plans and policies applicable to the site. Neither the Project nor the
34 Reduced Project Alternative will induce substantial population growth or the construction
35 of additional housing. There is no residential housing located on the proposed site, and

1 therefore, no housing will be displaced by the Project or the Reduced Project Alternative. No
2 significant impacts with regard to population and housing will occur, and no mitigation is
3 required. Therefore, the Project and the Reduced Project Alternative will not contribute to a
4 significant cumulative impact with regard to population and housing. For these reasons,
5 potential cumulative effects are less than cumulatively considerable.

6 6.3.1.12 Public Services

7 The Project and the Reduced Project Alternative will not result in significant impacts on
8 public services since needed services presently serve the proposed site and are adequate to
9 serve the site in the future. In addition, since the new courthouse will replace similar
10 existing facilities, a significant increase in the demand for public services over existing
11 conditions will not occur. All future development within the downtown area will be
12 required to demonstrate that adequate services are available, or that other measures are
13 available to allow for the provision of all public services required, thereby reducing impacts
14 on the City's ability to provide such services. Therefore, the Project and the Reduced Project
15 Alternative will not contribute to a significant cumulative impact with regard to public
16 services. Potential cumulative effects are less than cumulatively considerable.

17 6.3.1.13 Recreation

18 Neither the Project nor the Reduced Project Alternative will significantly increase the use of
19 existing neighborhood or regional parks or other recreational facilities since they do not
20 propose housing that will have the potential to indirectly increase public demand for area
21 recreational facilities. In addition, neither the Project nor the Reduced Project Alternative
22 will result in a significant increase in intensity of use of public recreational resources over
23 that of the existing courthouse facilities, and therefore, an increase in demand for new or
24 expanded public recreational facilities is not anticipated. Therefore, the Project and the
25 Reduced Project Alternative will not contribute to a significant cumulative impact with
26 regard to recreation. Potential cumulative effects are less than cumulatively considerable.

27 6.3.1.14 Traffic and Circulation

28 The Reduced Project Alternative will generate fewer overall vehicle trips than the Project,
29 due to the decrease in the number of courtrooms and overall square footage proposed.
30 Analysts identified no significant traffic or circulation impacts with the Project. As the
31 Reduced Project Alternative will have fewer overall trips and will affect the same streets
32 and intersections as the Project, no significant impacts will occur with the alternative. In
33 addition, no significant parking impacts will occur since adequate parking exists to support
34 the Project and the Reduced Project Alternative. All future development within the
35 downtown will be reviewed by the City for consistency with applicable parking

1 requirements and the potential for impacts on the existing circulation system. Mitigation
2 measures will be required for future projects, as applicable, to reduce impacts to an
3 acceptable level. For the reasons above, the Project and the Reduced Project Alternative will
4 not contribute to a significant traffic or parking cumulative impact. Therefore, potential
5 cumulative effects are less than cumulatively considerable.

6 6.3.1.15 Utilities and Service Systems

7 The Project and the Reduced Project Alternative will be similar with regard to utilities and
8 service systems requirements. Analysts identified no significant impacts for the Project, and
9 no impacts will occur with the Reduced Project Alternative. All future development in the
10 downtown area will be subject to City review and approval to ensure that utilities and
11 service systems are not adversely affected by development, or that appropriate measures
12 can be implemented to reduce potential impacts to less than significant. Therefore, the
13 Project and the Reduced Project Alternative will not contribute to a significant cumulative
14 effect with regard to utilities and service systems. Potential cumulative effects are less than
15 cumulatively considerable.

16 6.3.1.16 Water Quality and Hydrology

17 The Reduced Project Alternative will develop the same site as proposed for the Project.
18 Development will include the implementation of design measures and Best Management
19 Practices to control potential site runoff and to protect water quality both during the
20 construction phase and for long-term operations. No significant effects on hydrology or
21 water quality will occur with the Project or the Reduced Project Alternative. All future
22 development in the downtown area will be subject to City design requirements and
23 requirements to implement Best Management Practices for drainage design and water
24 quality control. Therefore, the Project and the Reduced Project Alternative will not
25 contribute to a significant cumulative effect with regard to water quality and hydrology.
26 Potential cumulative effects are less than cumulatively considerable.

27 6.3.2 Alternate Site Alternative

28 6.3.2.1 Aesthetic/Visual Resources

29 Similar to the Project, the Alternate Site Alternative will result in potentially significant
30 building design impacts with regard to wind generation. The AOC will implement
31 mitigation to ensure that adverse wind effects do not occur with development of the
32 proposed Project site or the alternate site considered. Similarly, all future development
33 within the downtown will be subject to the City's design regulations for potential wind
34 effects to reduce the potential for such effects to occur. The AOC anticipates no other

1 significant impacts with regard to aesthetic or visual resources with the Project or Alternate
2 Site Alternative. Therefore, the Project and the Alternate Site Alternative will not contribute
3 to a significant cumulative impact. Potential cumulative effects are less than cumulatively
4 considerable.

5 6.3.2.2 Agricultural Resources

6 The Project site and the proposed alternate site are in a highly urbanized area in downtown
7 San Diego. Surrounding land uses include high-density, larger-scale institutional,
8 commercial, and limited residential uses. As such, no Farmland or agricultural lands are
9 present, and neither the Project nor the Alternate Site Alternative will affect any properties
10 zoned for agricultural use or affected by a Williamson Act Contract. Development of either
11 site with the proposed County Courthouse will therefore not contribute to significant
12 cumulative impacts on existing agricultural uses or cause the conversion of agricultural
13 lands to a non-agricultural use. Potential cumulative impacts on agricultural resources are
14 less than cumulatively considerable.

15 6.3.2.3 Air Quality

16 The cumulative effects of the Alternate Site Alternative on air quality will be identical to the
17 Project, since both will result in construction of the same courthouse facilities and associated
18 improvements. Proposed design measures will be required with both to minimize potential
19 effects on air quality. All future development within the downtown area will be subject to
20 applicable Federal, State, and local regulations pertaining to air quality. In addition, the City
21 will evaluate future development projects in the downtown area on a project-by-project
22 basis for potentially significant impacts on air quality and will require appropriate design or
23 mitigation measures to reduce such impacts. The Project and the Alternate Site Alternative
24 will not contribute to a significant cumulative air quality impact. Therefore, potential
25 impacts on air quality are considered less than cumulatively considerable.

26 6.3.2.4 Biological Resources

27 As both the alternate site and the Project site are presently developed with surface parking
28 and several small-scale structures, native or non-native vegetation is not present. Therefore,
29 no onsite habitat exists to support the nesting or breeding of sensitive wildlife species. In
30 addition, no wetland habitat is present on either site. Neither the Project nor the Alternate
31 Site Alternative will result in significant impacts on sensitive habitat or wildlife species, and
32 no mitigation measures will be required. Therefore, potential impacts on biological
33 resources are considered less than cumulatively considerable.

1 6.3.2.5 Cultural Resources

2 Although no known cultural resources are located on either the Project site or the Alternate
3 Site Alternative site, the AOC will implement mitigation in the form of monitoring during
4 grading activities to reduce potential impacts to unknown resources to a level that is less
5 than significant. All future development in the downtown area will be subject to Federal,
6 State, and local requirements for the identification and protection of significant cultural
7 resources, as applicable to a particular site. Development of either the alternate site or the
8 Project site with the proposed County Courthouse will therefore not contribute to
9 significant cumulative impacts on cultural resources. Therefore, potential impacts on
10 cultural resources are considered less than cumulatively considerable.

11 6.3.2.6 Geology, Soils, and Seismicity

12 Similar to the Project, the Alternate Site Alternative will require excavation and grading
13 activities that will disturb underlying soils and may potentially uncover unknown
14 paleontological resources; however, similar to the Project, mitigation measures will reduce
15 such effects to a level that is less than significant. As other future development projects in
16 the downtown area would be subject to similar measures during the development phase,
17 the Project and the Alternate Site Alternative will not contribute to a cumulative impact
18 with regard to paleontological resources. No other cumulative effects with regard to
19 geology and soils are anticipated. Therefore, potential cumulative effects are considered to
20 be less than cumulatively considerable.

21 6.3.2.7 Hazards and Hazardous Materials

22 The AOC will require a site-specific Phase I Environmental Site Assessment for the
23 Alternate Site Alternative to determine if hazardous materials are present onsite or if other
24 sites in the area will have the potential to adversely affect the site. The Phase I and Phase II
25 investigations conducted for the proposed Project identified seven listed sites adjacent to the
26 east and west of the alternate site, and therefore, significant effects may potentially occur
27 with development of the site. As with the Project, the Alternate Site Alternative will require
28 mitigation to reduce impacts to less than significant if potential hazards are identified for
29 the site. The AOC does not have specific information that other projects will occur at the
30 same time as the AOC's potential schedule for development of the Project site, or that
31 development of the Alternate Site Alternative may contribute to a greater potential for
32 encountering hazardous materials. Similar to the Project and the Alternate Site Alternative,
33 all future development in the downtown area will be subject to site-specific assessment to
34 determine the presence of hazards or hazardous materials at the time development is
35 considered. All future development will be required to conform to applicable Federal, State,

1 and local regulations to reduce potential impacts with regard to hazards and hazardous
2 materials. Therefore, potential cumulative effects are less than cumulatively considerable.

3 6.3.2.8 Land Use and Planning

4 The Project and the Alternate Site Alternative will not conflict with existing land use plans,
5 policies, or regulations and will not conflict with any applicable habitat conservation plan or
6 natural community conservation plan. In addition, neither the Project nor the Alternate Site
7 Alternative will physically divide a community, as both sites are located in a highly
8 developed area of downtown San Diego, surrounded by a variety of well-established land
9 uses. Impacts on land use and planning with both the Project and the Alternate Site
10 Alternative will be less than significant, and no mitigation is required. Therefore, potential
11 cumulative effects are less than cumulatively considerable.

12 6.3.2.9 Mineral Resources

13 The Project and the Alternate Site Alternative are not located in an area that is designated as
14 a mineral resource zone by the City of San Diego. Implementation of the Project or the
15 Alternate Site Alternative will not result in the loss of availability of a known mineral
16 resource that is of value to the region or to the residents of the State. The downtown area is
17 not known as an area where minerals have been extracted in the past, and neither the
18 Project site nor the Alternate Site Alternative site have been delineated on a local general
19 plan, specific plan, or other land use plan as a locally important mineral resource recovery
20 site. Therefore, neither the Project nor the Alternative Site Alternative will contribute to
21 significant cumulative impacts on mineral resources. Potential cumulative effects are less
22 than cumulatively considerable.

23 6.3.2.10 Noise

24 As the Project and the Alternate Site Alternative will have similar construction
25 requirements, short-term construction noise impacts will also be similar and significant. The
26 AOC has no knowledge that another party plans to construct a nearby building that will
27 contribute to potentially significant cumulative construction or operational noise. The AOC
28 will implement mitigation for both the Project and the Alternate Site Alternative to reduce
29 construction noise impacts despite mitigation, but there will not be adjacent construction
30 operations that will contribute to a significant cumulative noise impacts. Potential
31 cumulative effects are less than cumulatively considerable.

32 No significant long-term noise impacts resulting from operation will occur with the Project
33 or with the Alternate Site Alternative, due to the nature of the proposed facilities. The City
34 will review all future development projects to ensure that noise impacts are reduced to less
35 than significant, or to the extent feasible. Therefore, the Project and the Alternate Site

1 Alternative will not contribute to a significant cumulative noise impact. Potential
2 cumulative effects are less than cumulatively considerable. Additional discussion of
3 potential cumulative noise impacts is included in *Section 4.11, Noise*.

4 6.3.2.11 Population and Housing

5 The sites proposed for the Project and the Alternate Site Alternative are in a highly
6 urbanized area, and development of either site with the proposed County Courthouse will
7 be generally consistent with adopted plans and policies applicable to the sites. Neither the
8 Project nor the Alternate Site Alternative will induce substantial population growth or the
9 construction of additional housing. There is no existing residential housing located on either
10 site, and therefore, no housing will be displaced by the Project or the Alternate Site
11 Alternative. No significant impacts with regard to population and housing will occur, and
12 no mitigation is required. Therefore, the Project and the Alternate Site Alternative will not
13 contribute to a significant cumulative impact with regard to population and housing. For
14 these reasons, potential cumulative effects are less than cumulatively considerable.

15 6.3.2.12 Public Services

16 The Project and the Alternate Site Alternative will not result in significant impacts with
17 regard for public services since provision of such services can be adequately provided to
18 both sites. All future development projects will be reviewed by the City to ensure that
19 impacts with regard to public services are adequate, or can be provided through the
20 implementation of other measures (i.e., payment of impact fees) to reduce potential impacts
21 to less than significant. Therefore, the Project and the Alternate Site Alternative will not
22 contribute to a significant cumulative impact. Potential cumulative effects are less than
23 cumulatively considerable.

24 6.3.2.13 Recreation

25 Neither the Project nor the Alternate Site Alternative will significantly increase the use of
26 existing neighborhood or regional parks or other recreational facilities since they do not
27 propose housing that will have the potential to indirectly increase public demand for area
28 recreational facilities. In addition, neither the Project nor the Alternate Site Alternative will
29 result in a significant increase in intensity of use of public recreational resources over that of
30 the existing courthouse facilities, and therefore, an increase in demand for new or expanded
31 public recreational facilities is not anticipated. Therefore, the Project and the Alternate Site
32 Alternative will not contribute to a significant cumulative impact with regard to recreation.
33 Potential cumulative effects are less than cumulatively considerable.

1 6.3.2.14 Transportation and Circulation

2 As with the Project, the Alternate Site Alternative will not result in significant impacts with
3 regard for traffic and parking since it will generate the same average daily vehicle trips and
4 have the same parking demands as the proposed Project. The Alternate Site Alternative is
5 just 400 feet north of the proposed Project site, and therefore, access and circulation patterns
6 conditions are considered to be similar to those affecting the Project. The AOC is not aware
7 of other developments in the nearby area that will proceed on a schedule that is similar to
8 the proposed courthouse, thereby contributing to the potential for impacts relative to traffic
9 or circulation to occur. All future development in the area will be subject to City review as
10 part of the development process to determine potential traffic and parking impacts, as well
11 as other circulation conflicts that may occur during construction. The Project and the
12 Alternate Site Alternative will not contribute to a significant cumulative traffic or parking
13 effect. Therefore, potential cumulative effects are less than cumulatively considerable.
14 Additional discussion of potential cumulative impacts is in the analysis presented in *Section*
15 *4.15, Transportation and Circulation.*

16 6.3.2.15 Utilities and Service Systems

17 The Project and the Alternate Site Alternative will result in similar development that will
18 have similar demands for utilities and service systems. As with the Project, no significant
19 impacts on utilities and service systems will occur with the Alternate Site Alternative. All
20 future development in the downtown area will be subject to City review and approval to
21 ensure that utilities and service systems are not adversely affected by development, or that
22 appropriate measures can be implemented to reduce potential impacts to less than
23 significant. Therefore, the Project and the Alternate Site Alternative will not contribute to a
24 significant cumulative effect with regard to utilities and service systems. Potential
25 cumulative effects are less than cumulatively considerable.

26 6.3.2.16 Water Quality and Hydrology

27 Development of the Project and the Alternate Site Alternative will include the
28 implementation of design measures and Best Management Practices to control potential site
29 runoff and to protect water quality both during the construction phase and for long-term
30 operations. No significant effects on hydrology or water quality will occur with the Project
31 or the Alternate Site Alternative. All future development in the downtown area will be
32 subject to City design requirements and requirements to implement Best Management
33 Practices for drainage design and water quality control. Therefore, the Project and the
34 Reduced Project Alternative will not contribute to a significant cumulative effect with
35 regard to water quality and hydrology. Potential cumulative effects are less than
36 cumulatively considerable.

Table 6-1: Cumulative Projects List

CIVIC/CORE

- C16 C Street Safety Enhancements Public Improvements/Master Plan
 C18 Civic Center Complex

CONVENTION CENTER

- CC1 Convention Center Expansion – Phase III

COLUMBIA

- CL20 880 West Broadway
 CL23 Columbia Tower
 CL8 Cruise Ship Terminals
 CL22 Kettner & Ash
 CL7 Lane Field
 CL10 North Embarcadero Visionary Plan (NEVP)
 CL6 San Diego Central Courthouse – Superior Court of California
 CL14 U.S. Federal Courthouse

CORTEZ HILL

- CH23 10th and A Hotel
 CH21 719 Ash
 CH15 777 Beech
 CH22 Cedar Gateway
 CH18 Citiplace
 CH26 Cortez District Streetlights Phase 1
 CH27 Cortez District Streetlights Phase 2
 CH17 Cortez Hill Family Center
 CH25 Front & Cedar Streets Traffic Signal and Pop-outs
 CH28 Grand Pacific Tower
 CH20 Hotel on 8th
 CH24 I-5 Bridge Streetlights

EAST VILLAGE

- E88 11th and B
 E95 13th, Park and C
 E70 14th and Island Park
 E93 14th and K
 E99 15th & Commercial
 E70 15th & Island
 E83 16th and G Leeding Edge
 E101 Bahia View Condominiums
 E76 Ballpark Skylofts
 E4 Ballpark Village
 E62 Cosmopolitan Square
 E84 East Village Fire Station
 E120 East Village Green
 E119 East Village Public Improvements
 E67 Harbor Drive Pedestrian Bridge
 E110 I-5 Bridge Streetlights
 E121 Interim Leash-Free Dog Park
 M1 Old Police Headquarters & Park Project
 M15 San Diego Quiet Zone

- E114 Island Pop-outs Phase II and Sidewalk Gap Project
 E49 Library Tower
 E17 Main Library
 E104 Metro Center
 E91 Monaco
 E115 Ninth & Broadway
 E108 Park Blvd. & Harbor Drive At-Grade Crossing Improvements
 E112 Park Blvd. & Island Avenue Traffic Signal
 E113 Park Blvd. & J Street Traffic Signal
 E118 San Diego City College Business Technology & Arts/Humanities Quad
 E116 San Diego City College Career Technology Center
 E117 San Diego City College General Purpose Classroom Building
 E109 Seventh & Market Site Remediation
 E69 Strata
 E89 Ten Fifty B Street
 E96 The Nolen
 E102 Thomas Jefferson School of Law
 E56 Triangle
 E100 Village Hotel

HORTON/GASLAMP

- H13 Gaslamp Square Park
 H11 Lyceum Theatre Lobby and Restroom Renovation
 H4 Marriott Renaissance Hotel

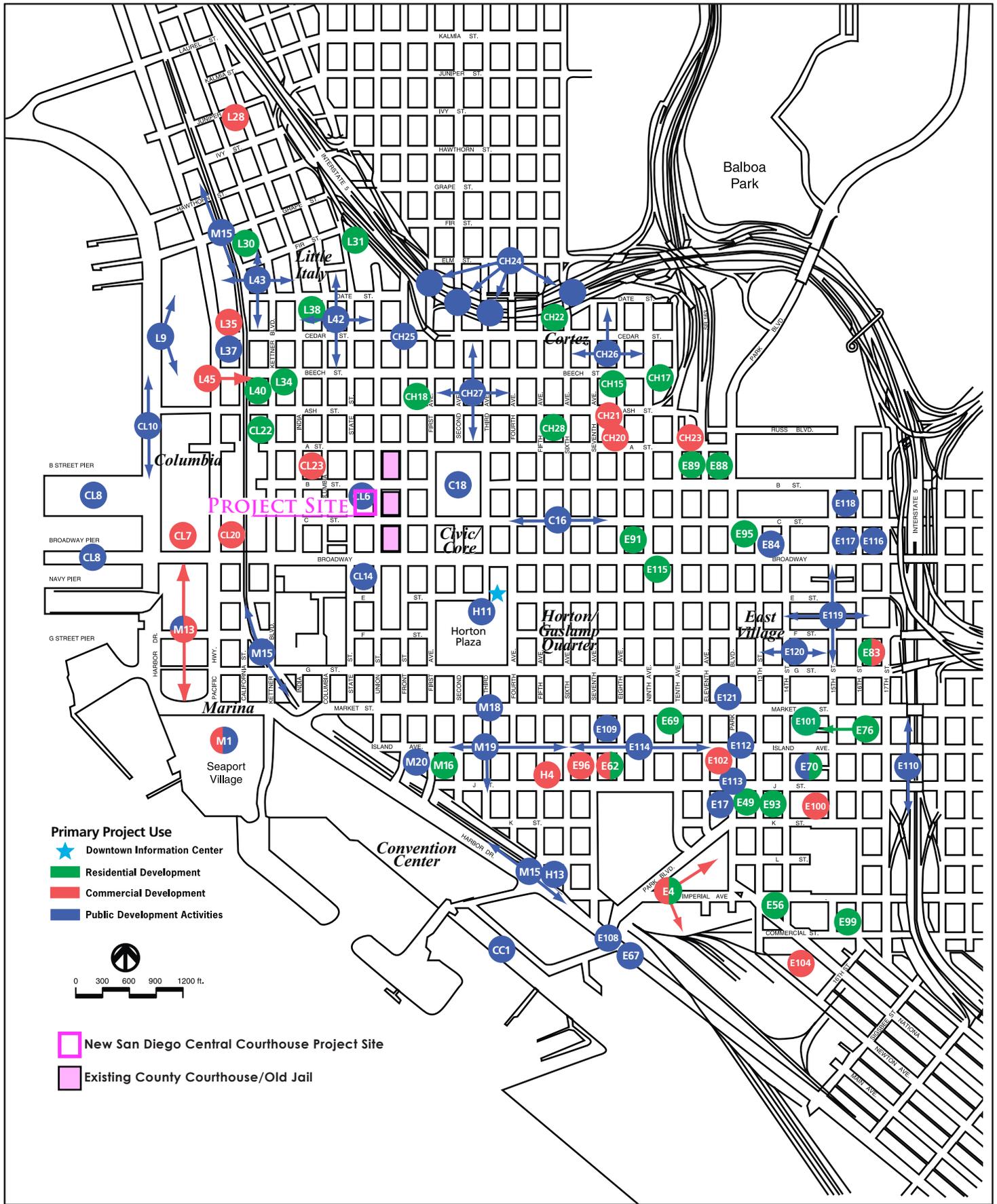
LITTLE ITALY

- L31 1909 State Street
 L40 Ariel Suites
 L37 Bayside Fire Station
 L9 County Waterfront Park
 L34 India & Beech
 L42 Little Italy Streetlights
 L43 Little Italy Public Improvements – Phase I
 L35 Monarch School
 L30 Pier
 L38 Riva Trigoso
 L45 San Diego National Bank Parking Structure
 L28 Simply Self Storage Little Italy

MARINA

- M19 Asian Pacific Thematic Historic District Improvements
 M20 Children's Park
 M16 First & Island
 M18 Market Street & Third Avenue Traffic Signal
 M13 Navy Broadway Complex

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SOURCE: Downtown Today, Winter/Spring 2010, www.ccdc.com
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NEW SAN DIEGO
 CENTRAL COURTHOUSE
CUMULATIVE PROJECTS

Figure 6-1

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1 7.0 LITERATURE CITED AND PERSONS AND
2 ORGANIZATIONS CONTACTED

3 7.1 LITERATURE CITED

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